New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233-0001

Henry G. Williams
Commissioner

MAR 04 1986

Mr. Vincent W. Rider
Vice President - Plant Operations
New York State Electric & Gas Corporation
4500 Vestal Parkway East
Binghamton, New York 13903

Dear Mr. Rider:

Re: Reclassification of NYD000730358 (Goudney Station)
NYD000730473 (Jennison Station)
NYD000730366 (Milliker Station)
NYD000730465 (Somerset Station)
NYD013508916 (Greenridge Station)
NYD079692117 (Hickling Station)

The New York State Department of Environmental Conservation (DEC) is now fully responsible for administration of the Resource Conservation and Recovery Act (RCRA) regulatory program for hazardous waste facilities operating under interim status with Part A RCRA Permits.

In order to qualify as an interim status hazardous waste treatment, storage or disposal (TSD) facility pursuant to Section 3005(e) of RCRA and 6NYCRR Part 373, a facility was required to be in existence on November 19, 1980, and to be conducting a hazardous waste activity requiring a RCRA and/or Part 373 Permit. Based on information submitted by your company, it appears that your facility has never qualified for interim status pursuant to Section 3005(e) of RCRA and/or 6NYCRR Part 373, insofar as it never conducted a RCRA or 373 permittable activity. Therefore, DEC considers your facility to never have operated with interim status under a Part A Permit.

If you have any information which would otherwise indicate that your facility had or does qualify for interim status under RCRA or Part 373, it must be submitted within 14 calendar days of the date of this letter. If you do not respond to this letter within the time provided, your facility will be removed from the list of active TSD facilities.

Please be advised that withdrawal of your Part A Permit application terminates your privilege to operate with interim status in the future. Should you decide to conduct any activity not exempt from the permit requirements of 6NYCRR Part 373 and/or 40 CFR Parts 264, 265 and 270, you must first obtain full Part 373 and RCRA Permits. Failure to obtain the proper permits will subject you to enforcement actions pursuant to Section 3008 of RCRA and Article 27, Titles 7 and 9 of the Environmental Conservation Law.

NYSEG

PAB

August 10, 1982
NYMISC - 680
EMG: 1.8.1.5

JH
HWDMS
9/29/82

Check file for Dietrich letter; notification letter indicates exempt from HW status

C303 = 1
delete C119
listed only as generator,

Mr. Andrew Bellina
Solid Waste Branch
Room 905
U. S. Environmental Protection Agency
26 Federal Plaza
New York, NY 10278

NYD013508916

SUBJECT: Air Heater Washes at Greenidge and Hickling Facilities, and the Dietrich Letter → NYD079692117

Dear Mr. Bellina:

This letter will provide the explanation that you have requested on the handling of air heater washes at the Greenidge and Hickling Generating Stations of New York State Electric & Gas Corporation ("NYSEG"). The Greenidge facility has been given EPA I.D. No. NYD013508916, and the Hickling facility has been given EPA I.D. No. NYD079692117.

As you have discussed with members of my staff, NYSEG sent EPA a letter on October 2, 1981, covering the Hickling facility and two others, and NYSEG sent EPA a second letter on December 29, 1981, covering the Greenidge facility and one other. These letters explained that although NYSEG had applied for interim status under the Resource Conservation and Recovery Act ("RCRA") for all five facilities to assume the status of "generators" only. Among the policies cited in the above-referenced letters was a policy set out in a January 13, 1982 letter from Gary M. Dietrich, who was then EPA's Associate Deputy Assistant Administrator for Solid Wastes to Mr. Paul Emler, Jr., Chairman of the Utility Solid Waste Activities Group. This letter covered wastes of power plant origin which are mixed with and co-disposed or co-treated with fly ash, bottom ash, slag and flue gas emission control sludges from coal combustion. Our letters indicated that air heater washes from our facilities are co-treated and co-disposed with ash from the facilities' coal burning operations, and indicated that under the policies set out by Mr. Dietrich, these wastes are not considered to be "hazardous wastes," and they are excluded from RCRA regulation by 40 CFR §261.4(b)(4). You have asked for a more detailed explanation of how our air heater washes are handled.

The Hickling facility produces air heater washes that are co-treated with bottom ash from the facility's coal burning operations. Bottom ash is sluiced to the primary ash pond through two 8" pipes, as indicated on the attached Exhibit A. The pond accomplishes treatment through the mixing of various waste streams and the settling of solids.

When air heaters are periodically washed, the wash water is discharged from the bottom of the air heater through a flexible piping system to a sump pump, which in turn discharges to the primary ash pond. This arrangement can also be seen on Exhibit A. The location of each of these pipes as they discharge into the ash pond can be seen on the attached Exhibit B.

At the Greenidge facility, four recent analyses of three air heater washes have clearly indicated that the washes are not hazardous. See the enclosed Exhibit C. Therefore, December 29, 1981 letter should be amended to indicate that air heater washes from Greenidge are non-hazardous, and thus not subject to RCRA regulation. Consequently, there is no need to utilize the Dietrich exemption for the Greenidge facility. Please include an appropriate notation to this effect in your file.

I believe this responds to the questions that you have posed on the Hickling and Greenidge facilities. Please call Sheila Snyder (607) 729-2551 extension 4320 of my staff if you have any further questions, or need further information.

Yours truly,

V. W. Rider
Asst. Vice President
Operation-Generation Services

VWR:SCS:cjv
xc: WFriedman-HLA
MCBuzel
JIFiala
HAMossman
WRTillman
LDWhitney

ENVIRONMENTAL ENGINEERING
a division of RCI

CLIENT: N.Y.S. ELECTRIC & GAS CORP.

Analysis of: Greenidge Air Heater Washers

LABORATORY REPORT
Job No. E-719 Pg. 1 of 1
Date Received 7/9/82
Date Taken Not Given

Ee#	2926	2927	Sample Identification											
Analysis Performed	#5 Boiler	#4 Boiler	#6A	#6B										
Ag	<0.01	<0.01	<.01	<.01										
As	0.041	0.067	.083	<001										
Ba	0.3	0.2	<.01	<.01										
Cd	0.013	0.017	0.005	0.005										
Cr	0.39	0.40	1.1	<.05										
Hg	0.0003	0.0003	<.0002	<.0002										
Pb	<0.1	<0.1	<.1	<.1										
Se	0.004	0.003	.003	<.001										
TSS	430.	490.	—	—										
pH	2.6	2.5	—	—										

PERMITS & ENFORCEMENT BRANCH
REGION 2
AUG 26 2 50 PM '82
ENVIRONMENTAL PROTECTION AGENCY
NEW YORK, N.Y. 10007

EXHIBIT C

- Composite Sample
- Grab Sample

results are reported as mg/l unless otherwise stated.

Signed
Michael P. Quirk, Laboratory Mgr.
Date

RCRA INSPECTION FORM

Report Prepared for:

Generator ☒

Transporter ☐

HWM (TSD) facility ☒

Copy of report sent to the facility ☑

Facility Information

Name: Greenidge Gen. Sta.

Address: Route 14
Dresden, NY 14441

EPA ID#: NYD 013508916

Date of Inspection: Sept. 29, 1982

Participating Personnel

State or EPA Personnel: Andrew J. Bellina - EPA

Facility Personnel: Lou Whitney
Env. Coor.

Report Prepared by Name: Andy Bellina

Agency: SWB/EPA

Telephone #: 212-264-0548

Approved for the Director by: _____

Summary of Findings

Facility Description and Operations

Generation of electricity from the burning of coal. See attachments for waste stream flows.

Describe the activities that result in the generation of hazardous waste.

① Coal pile storage leachate - Corrosive, to neutralization tank

② Spent solvents from degreasing operations - Ignitable, stored in drums for less than 90 days.

Identify the hazardous waste located on site, and estimate the approximate quantities of each. (Identify Waste Codes)

Is there reason to believe that the facility has hazardous waste on-site?

a. If yes, what leads you to believe it is hazardous waste? Check appropriate boxes:

☑ Company admits that its waste is hazardous during the inspection.

☑ Company admitted the waste is hazardous in its RCRA notification and/or Part A Permit Application.

☐ The waste material is listed in the regulations as a hazardous waste from a nonspecific source (§261.31)

☐ The waste material is listed in the regulations as a hazardous waste from a specific source (§261.32)

☐ The material or product is listed in the regulations as a discarded commercial chemical product (§261.33)

☐ Testing has shown characteristics of ignitability, corrosivity, reactivity or extraction procedure toxicity, or has revealed hazardous constituents (please attach analysis report)

☐ Company is unsure but there is reason to believe that waste materials are hazardous. (Explain)

GENERATOR INSPECTION CHECKLIST

	YES	NO	N/A
40 CFR 262 Subpart A-General			
262.11 - Hazardous waste determination			
1) Did the generator test its waste to determine whether it is hazardous?	✓	—	—
Is the waste hazardous?	✓	—	—
2) Is the generator determining that its waste exhibits a hazardous waste characteristic(s) based on its knowledge of the material(s) or processes used?	✓	—	—
40 CFR 262 Subpart B-The Manifest			
Has hazardous waste been shipped off-site since November 19, 1980?	—	✓	—
If yes, approximately how many shipments, off-site, have been made and describe the approximate size of an average shipment made on a monthly basis. If facility is a small quantity generator, please explain.			
262.21 Does each manifest (or representative sample) have the following information? Please circle the missing elements.			
— a manifest document number?	N/App		
— the generators name, mailing address, telephone number and EPA I.D. Number?	—	—	—
— the transporters name and EPA I.D. Number?	—	—	—
— the name, address and EPA ID Number of the designated facility?	—	—	—
— a description of the wastes (DOT)?	—	—	—
— the total quantity of each hazardous waste by units of weight or volume, and the type and number of containers as loaded into or onto the transport vehicle?	—	—	—
— a certification that the materials are properly classified, described, package, marked and labeled, and are in proper condition for transportation under regulations of the DOT and EPA?	—	—	—
(obtain a copy of the incomplete manifests)			
40 CFR 262 - Subpart D - Recordkeeping and Reporting			
262.40 Has the generator maintained facility records since Nov. 19, 1980? (manifest, exception report and waste analysis)	✓	—	—
262.42 Has the generator received signed copies (from the TSD facility) of all the manifests for waste shipped off-site more than 35 days ago?	N/App		
If not, have Exception Reports been submitted to EPA covering any of these shipments made more than 45 days ago?	—	—	—

	YES	NO	N/A
40 CFR 262 - Subpart C - Pretransportation Requirements			
262.30-33 Before transporting or offering hazardous waste for transportation off-site does the generator:			
claimed they do — 1) Package the waste in accordance with applicable DOT regulations (i.e., 49 CFR Parts 173, 178 & 179)	✓		
2) Label each package according to DOT (i.e., 49 CFR 172)	✓		
3) Mark each package according to DOT (i.e., 49 CFR 172)	✓		
4) Mark each container of 110 gallons or less with the words "Hazardous Waste - Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. EPA," and include the generators name, address and manifest document number. (i.e., 49 CFR 172.304)	✓		
262.34 Accumulation Time			
1) How is waste accumulated on-site?			
☑ Containers			
☐ Tanks			
☐ Surface impoundments (complete HWMF checklist)			
☐ Piles (complete HWMF checklist)			
2) Is waste accumulated for more than 90 days?		✓	
If yes, complete HWMF checklist			
3) Is each container clearly dated with each period of accumulation so as to be visible for inspection? → claimed they do	✓		
4) Is each container or tank marked or labeled with the words "hazardous waste" or in compliance with the DOT labeling requirements?	✓		

STOP HERE IF THE HAZARDOUS WASTE MGT FACILITY (TSD) CHECKLIST IS FILLED OUT

262.34 - SHORT TERM ACCUMULATION STANDARDS

(For generators who accumulate waste in tanks or containers for 90 days or less)

40 CFR 265 - Subpart I Containers

YES NO N/A

265.170 - What type of containers are used for storage. Describe the size, type and quantity and nature of waste (e.g., 12 fifty-five gallon drums of waste acetone).

none at time of inspection

265.171 - Do the containers appear to be in good condition, not in danger of leaking? ___ ___ ___

If not, please describe the type, condition and number of leaking or corroded containers. Be detailed and specific.

265.172 - Are hazardous waste stored in containers made of compatible materials? ___ ___ ___

If not, please explain.

265.173(a) - Are all containers closed except those in use? ___ ___ ___

265.173(b) - Do containers appear to be properly opened, handled or stored in a manner which will minimize the risk of the container rupturing or leaking? ___ ___ ___

265.174 - Is the storage area inspected at least weekly? ___ ___ ___

265.176 - Are containers holding ignitable and reactive waste located at least 50 feet (15 meters) away from the facility's property line? ___ ___ ___

265.177 - Are incompatible wasts stored separate from each other? ___ ___ ___

	YES	NO	N/A
40 CFR 265 Subpart J - Tanks			
265.190 1) What are the approximate number and size of tanks containing hazardous waste?	✓		
2) Identify the waste treated/stored in each tank. 1 tank ~20,000gal ENU			
265.192 - General Operating Requirements			
1) Are the tanks maintained so that there is no evidence of past, present, or risk of future leaks?	✓		
If no, please explain.			
2) Are there leaking tanks?		✓	
3) Are all hazardous wastes or treatment reagents being placed in tanks compatible with the tank material so that there is no danger of ruptures, corrosion, leaks or other failures?	✓		
4) Do uncovered tanks have at least 2 feet of freeboard or an adequate containment structure?	✓		
5) If waste is continuously fed into a tank, is the tank equipped with a means to stop the inflow from the tank? e.g. bypass system to a standby tank	✓		
265.194 - Inspections			
1) Is the tank(s) inspected each operating day for (no inspection logs.)			
a) discharge control equipment		✓	
b) monitoring equipment		✓	
c) level of waste in tank		✓	
2) Are the tanks and surrounding areas (e.g., dike) inspected weekly for leaks, corrosion or other failures?		✓	
3) Are there underground tanks?		✓	
If yes, how many and can they be entered for inspection?			
265.198 - Are ignitable or reactive wastes stored in a manner which protects them from a source of ignition or reaction?	N/App		
If no, please explain.			
265.199 - Does it appear that incompatible wastes are being stored separate from each other?		✓	

	YES	NO	N/A
265.16 - Personnel Training			
1) Have facility personnel successfully completed a program of classroom instruction or on-the-job training within 6 months of having been employed?	✓		
If yes, have facility personnel taken part in an annual review of training?		no ✓	
2) Is there written documentation of the following:			
—job title for each position at the facility related to hazardous waste management and the name of the employee filling each job?	✓		
—type and amount of training to be given to personnel in jobs related to hazardous waste management?	✓		
—actual training or experience received by personnel?	✓		
3) Are training records kept on all employees for at least 3 years?	✓		
40 CFR 265 - Subpart C - Preparedness and Prevention			
265.32 Does the facility comply with preparedness and prevention requirements including maintaining:			
— an internal communications or alarm system?	✓		
— a telephone or other device to summon emergency assistance from local authorities?	✓		
— portable fire equipment?	✓		
— water at adequate volume and pressure to supply water hose streams, foam producing equipment, etc.	✓		
265.33 Is equipment tested and maintained?	✓		
265.34 Is there immediate access to communications or alarm systems during handling of hazardous waste?	✓		
265.35 Adequate aisle space?			N/App
If no, please explain storage pattern.			
In your opinion, do the types of waste on-site require all of the above procedures, or are some not needed: Explain.		all are needed	
40 CFR 265 - Subpart D - Contingency Plan and Emergency Procedures			
Does the facility have a written contingency plan for emergency procedures designed to deal with fires, explosions or any unplanned release of hazardous waste?	✓		
1) Does the plan describe arrangements made with the local authorities?	✓		
2) Has the contingency plan been submitted to the local authorities?		✓	
3) Does the plan list names, addresses and phone numbers of Emergency Coordinators?	✓		
4) Does the plan have a list of what emergency equipment is available?	✓		
5) Is there a provision for evacuating facility personnel?	✓		
6) Was there an emergency coordinator present or on call at the time of the inspection?	✓		

DATE RETURNED _____

REASON _____

☐ ACKNOWLEDGEMENT SENT

Greenidge Gen. St.

INTERNAL CHECKLIST ID # NYD013508916

1. Interim Regulatory Requirements

comp

A. (1) FORM 1 MISSING ☐

(2) FORM 3 MISSING ☐

B. POSTMARK after NOVEMBER 19, 1980 ☐ Valid ☐

C. (1) DATE of OPERATION MISSING ☐

(2) DATE of OPERATION after NOVEMBER 19, 1980 ☐

D. (1) NON-NOTIFIER ☐

(2) NOTIFIED after AUGUST 18, 1980 ☐ Valid ☐

E. (1) FORM 1, ~~X~~III B SIGNATURE MISSING ☐

(2) FORM 3, IX B SIGNATURE MISSING ☐

2. A. HANDLER ☐

B. NONREGULATED ☐

C. UNSURE ☐

D. UNKNOWN FACILITY (missing name and address on Form 3) ☐

E. NEW FACILITY > NOV. 19, 1980 ☐

F. CORE ITEM(S) MISSING ☐

G. NON-CORE ITEM(S) MISSING ☐

H. OTHER ☐

MISSING:

MAP ☐

DRAWING ☐

PHOTO ☐

AOK.

ATTACHMENT I

The NPDES permit for Greenidge Generating Station is referenced in Items II.C. and X.A. of Form 1. The referenced permit expired on March 30, 1980. A timely application for a SPDES permit was filed with the New York State Department of Environmental Conservation (DEC). Pending issuance of the final SPDES permit, DEC has requested that Greenidge Generating Station continue to adhere to the limitations and conditions, as appropriately modified, of the expired NPDES permit.

ATTACHMENT II

On the notification form filed August 18, 1980, NYSEG listed asbestos as a hazardous waste at Greenidge Generating Station. Upon further examination, it was determined the material used in the boilers and on the pipes for insulation is not pure asbestos. The material used in the boilers and on the pipes is not a listed product or intermediate under 40 CFR 261.33 (f). Moreover, the material would not exhibit any of the characteristics listed in Subpart C of 40 CFR 261.

rint or type in the unshaded areas only
–in areas are spaced for elite type, i.e., 12 characters/inch).

Form Approved OMB No. 158-R0175

OK

FORM 1 GENERAL

EPA

U.S. ENVIRONMENTAL PROTECTION AGENCY

GENERAL INFORMATION

Consolidated Permits Program

(Read the "General Instructions" before starting.)

I. EPA I.D. NUMBER

S													T/A	C
F	N	Y	D	0	1	3	5	0	8	9	1	6	3	D
1	2											13	14	15

LABEL ITEMS

I. EPA I.D. NUMBER

III. FACILITY NAME

V. FACILITY MAILING ADDRESS

VI. FACILITY LOCATION

PLEASE PLACE LABEL IN THIS SPACE

GENERAL INSTRUCTIONS

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill–in area below. Also, if any of the preprinted data is absent *(the area to the left of the label space lists the information that should appear)*, please provide it in the proper fill–in area*(s)* below. If the label is complete and correct, you need not complete Items I, III, V, and VI *(except VI-B which must be completed regardless)*. Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of **bold–faced terms.**

SPECIFIC QUESTIONS	MARK 'X' YES	NO	FORM ATTACHED
A. Is this facility a **publicly owned treatment works** which results in a **discharge** to **waters of the U.S.?** (FORM 2A)		X	
B. Does or will this facility *(either existing or proposed)* include a **concentrated animal feeding operation** or **aquatic animal production facility** which results in a **discharge** to **waters of the U.S.?** (FORM 2B)		X	
C. Is this a facility which currently results in **discharges** to **waters of the U.S.** other than those described in A or B above? (FORM 2C)	X		
D. Is this a proposed facility *(other than those described in A or B above)* which will result in a **discharge** to **waters of the U.S.?** (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of **hazardous wastes?** (FORM 3)	X		X
F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X	
H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed **stationary source** which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	
J. Is this facility a proposed **stationary source** which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY

1 SKIP: Greenidge Generating Station NYSEG

IV. FACILITY CONTACT

A. NAME & TITLE *(last, first, & title)*	B. PHONE *(area code & no.)*
2 Hadwin T. Supr Env. Matters	607 729 2551

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX	B. CITY OR TOWN	C. STATE	D. ZIP CODE
3 4500 Vestal Parkway East	4 Binghamton	NY	13902

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER	B. COUNTY NAME
5 Route 14	Yates

C. CITY OR TOWN	D. STATE	E. ZIP CODE	F. COUNTY CODE *(if known)*
6 Dresden	NY	14441	

CONTINUE ON REVERSE

IED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)

A. FIRST	B. SECOND
4931 (specify) Electric and other services Combined	(specify)
C. THIRD	**D. FOURTH**
(specify)	(specify)

VIII. OPERATOR INFORMATION

A. NAME

New York State Electric & Gas Corp

B. Is the name listed in Item VIII-A also the owner? [X] YES [ ] NO

C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)

F = FEDERAL; S = STATE; P = PRIVATE; M = PUBLIC (other than federal or state); O = OTHER (specify)

P (specify)

D. PHONE (area code & no.)

A 607 729 2551

E. STREET OR P.O. BOX

4500 Vestal Parkway East

F. CITY OR TOWN

Binghamton

G. STATE

NY

H. ZIP CODE

13902

IX. INDIAN LAND

Is the facility located on Indian lands? [ ] YES [X] NO

X. EXISTING ENVIRONMENTAL PERMITS

A. NPDES (Discharges to Surface Water)

9 N NY0001325

D. PSD (Air Emissions from Proposed Sources)

9 P

B. UIC (Underground Injection of Fluids)

9 U

E. OTHER (specify)

9 (specify)

C. RCRA (Hazardous Wastes)

9 R

E. OTHER (specify)

9 (specify)

XI. MAP

Attach to this application a topographic map of the area extending to at least one mile beyond property bounderies. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements. F9:A/50

XII. NATURE OF BUSINESS (provide a brief description)

Greenidge Station is a steam electric generating station, consisting of six pulverized coal-fired boilers and four turbine generators which produce a gross maximum dependable capacity of 215 MW. Water is withdrawn from Seneca Lake and discharges in Keuka Lake Outlet.

F9:A/51

XIII. CERTIFICATION (see instructions)

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print)	B. SIGNATURE	C. DATE SIGNED
V. W. Rider - Asst. Vice President Operation and Generation Services	O W Rider	11/17/80

COMMENTS FOR OFFICIAL USE ONLY

C

Please print or type in the unshaded areas only
(fill—in areas are spaced for elite type, i.e., 12 characters/inch).

Form Approved OMB No. 158-S80004 OK-

FORM 3 RCRA

U.S. ENVIRONMENTAL PROTECTION AGENCY

HAZARDOUS WASTE PERMIT APPLICATION

Consolidated Permits Program

(This information is required under Section 3005 of RCRA.)

I. EPA I.D. NUMBER

S													T/A	C
F	N	Y	D	0	1	3	5	0	8	9	1	6	3	1

FOR OFFICIAL USE ONLY

APPLICATION APPROVED	DATE RECEIVED (yr., mo., & day)	COMMENTS

II. FIRST OR REVISED APPLICATION

Place an "X" in the appropriate box in A or B below *(mark one box only)* to indicate whether this is the first application you are submitting for your facility or a revised application. If this is your first application and you already know your facility's EPA I.D. Number, or if this is a revised application, enter your facility's EPA I.D. Number in Item I above.

A. FIRST APPLICATION *(place an "X" below and provide the appropriate date)*

[X] 1. EXISTING FACILITY *(See instructions for definition of "existing" facility. Complete item below.)*

[ ] 2. NEW FACILITY *(Complete item below.)*

FOR EXISTING FACILITIES, PROVIDE THE DATE *(yr., mo., & day)* OPERATION BEGAN OR THE DATE CONSTRUCTION COMMENCED *(use the boxes to the left)*

C	YR.	MO.	DAY
8	38	03	01

FOR NEW FACILITIES, PROVIDE THE DATE *(yr., mo., & day)* OPERATION BEGAN OR IS EXPECTED TO BEGIN

YR.	MO.	DAY

B. REVISED APPLICATION *(place an "X" below and complete Item I above)*

[ ] 1. FACILITY HAS INTERIM STATUS

[ ] 2. FACILITY HAS A RCRA PERMIT

III. PROCESSES — CODES AND DESIGN CAPACITIES

A. **PROCESS CODE** — Enter the code from the list of process codes below that best describes each process to be used at the facility. Ten lines are provided for entering codes. If more lines are needed, enter the code(s) in the space provided. If a process will be used that is not included in the list of codes below, then describe the process *(including its design capacity)* in the space provided on the form *(Item III-C)*.

B. **PROCESS DESIGN CAPACITY** — For each code entered in column A enter the capacity of the process.

1. AMOUNT — Enter the amount.
2. UNIT OF MEASURE — For each amount entered in column B(1), enter the code from the list of unit measure codes below that describes the unit of measure used. Only the units of measure that are listed below should be used.

PROCESS	PROCESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
Storage:		
CONTAINER *(barrel, drum, etc.)*	S01	GALLONS OR LITERS
TANK	S02	GALLONS OR LITERS
WASTE PILE	S03	CUBIC YARDS OR CUBIC METERS
SURFACE IMPOUNDMENT	S04	GALLONS OR LITERS
Disposal:		
INJECTION WELL	D79	GALLONS OR LITERS
LANDFILL	D80	ACRE-FEET *(the volume that would cover one acre to a depth of one foot)* OR HECTARE-METER
LAND APPLICATION	D81	ACRES OR HECTARES
OCEAN DISPOSAL	D82	GALLONS PER DAY OR LITERS PER DAY
SURFACE IMPOUNDMENT	D83	GALLONS OR LITERS

PROCESS	PROCESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
Treatment:		
TANK	T01	GALLONS PER DAY OR LITERS PER DAY
SURFACE IMPOUNDMENT	T02	GALLONS PER DAY OR LITERS PER DAY
INCINERATOR	T03	TONS PER HOUR OR METRIC TONS PER HOUR; GALLONS PER HOUR OR LITERS PER HOUR
OTHER *(Use for physical, chemical, thermal or biological treatment processes not occurring in tanks, surface impoundments or incinerators. Describe the processes in the space provided; Item III-C.)*	T04	GALLONS PER DAY OR LITERS PER DAY

UNIT OF MEASURE	UNIT OF MEASURE CODE
GALLONS	G
LITERS	L
CUBIC YARDS	Y
CUBIC METERS	C
GALLONS PER DAY	U
LITERS PER DAY	V
TONS PER HOUR	D
METRIC TONS PER HOUR	W
GALLONS PER HOUR	E
LITERS PER HOUR	H
ACRE-FEET	A
HECTARE-METER	F
ACRES	B
HECTARES	Q

EXAMPLE FOR COMPLETING ITEM III *(shown in line numbers X-1 and X-2 below)*: A facility has two storage tanks, one tank can hold 200 gallons and the other can hold 400 gallons. The facility also has an incinerator that can burn up to 20 gallons per hour.

S		T/A	C
C	DUP		1

LINE NUMBER	A. PROCESS CODE (from list above)	B. PROCESS DESIGN CAPACITY 1. AMOUNT (specify)	B. PROCESS DESIGN CAPACITY 2. UNIT OF MEASURE (enter code)	FOR OFFICIAL USE ONLY	LINE NUMBER	A. PROCESS CODE (from list above)	B. PROCESS DESIGN CAPACITY 1. AMOUNT	B. PROCESS DESIGN CAPACITY 2. UNIT OF MEASURE (enter code)	FOR OFFICIAL USE ONLY
X-1	S02	600	G		5				
X-2	T03	20	E		6				
1	S01	55 000	G		7				
2	S02	906,396 000	G		8				
3	T01	72,000 000	U		9				
4					10				

Continued from the front.

III. PROCESSES *(continued)*

C. SPACE FOR ADDITIONAL PROCESS CODES OR FOR DESCRIBING OTHER PROCESSES *(code "T04")*. FOR EACH PROCESS ENTERED HERE INCLUDE DESIGN CAPACITY.

IV. DESCRIPTION OF HAZARDOUS WASTES

A. **EPA HAZARDOUS WASTE NUMBER** — Enter the four—digit number from 40 CFR, Subpart D for each listed hazardous waste you will handle. If you handle hazardous wastes which are not listed in 40 CFR, Subpart D, enter the four—digit number*(s)* from 40 CFR, Subpart C that describes the characteristics and/or the toxic contaminants of those hazardous wastes.

B. **ESTIMATED ANNUAL QUANTITY** — For each **listed waste** entered in column A estimate the quantity of that waste that will be handled on an annual basis. For each **characteristic** or **toxic contaminant** entered in column A estimate the total annual quantity of all the non—listed waste*(s)* that will be handled which possess that characteristic or contaminant.

C. **UNIT OF MEASURE** — For each quantity entered in column B enter the unit of measure code. Units of measure which must be used and the appropriate codes are:

ENGLISH UNIT OF MEASURE	CODE	METRIC UNIT OF MEASURE	CODE
POUNDS	P	KILOGRAMS	K
TONS	T	METRIC TONS	M

If facility records use any other unit of measure for quantity, the units of measure must be converted into one of the required units of measure taking into account the appropriate density or specific gravity of the waste.

D. **PROCESSES**

1. PROCESS CODES:
   For listed hazardous waste: For each **listed** hazardous waste entered in column A select the code*(s)* from the list of process codes contained in Item III to indicate how the waste will be stored, treated, and/or disposed of at the facility.
   For non—listed hazardous wastes: For each characteristic or toxic contaminant entered in column A, select the code*(s)* from the list of process codes contained in Item III to indicate **all** the processes that will be used to store, treat, and/or dispose of all the non—listed hazardous wastes that possess that characteristic or toxic contaminant.
   Note: Four spaces are provided for entering process codes. If more are needed: (1) Enter the first three as described above; (2) Enter "000" in the extreme right box of Item IV-D(1); and (3) Enter in the space provided on page 4, the line number and the additional code*(s)*.
2. PROCESS DESCRIPTION: If a code is not listed for a process that will be used, describe the process in the space provided on the form.

NOTE: HAZARDOUS WASTES DESCRIBED BY MORE THAN ONE EPA HAZARDOUS WASTE NUMBER — Hazardous wastes that can be described by more than one EPA Hazardous Waste Number shall be described on the form as follows:

1. Select one of the EPA Hazardous Waste Numbers and enter it in column A. On the same line complete columns B,C, and D by estimating the total annual quantity of the waste and describing all the processes to be used to treat, store, and/or dispose of the waste.
2. In column A of the next line enter the other EPA Hazardous Waste Number that can be used to describe the waste. In column D(2) on that line enter "included with above" and make no other entries on that line.
3. Repeat step 2 for each other EPA Hazardous Waste Number that can be used to describe the hazardous waste.

EXAMPLE FOR COMPLETING ITEM IV *(shown in line numbers X-1, X-2, X-3, and X-4 below)* — A facility will treat and dispose of an estimated 900 pounds per year of chrome shavings from leather tanning and finishing operation. In addition, the facility will treat and dispose of three non—listed wastes. Two wastes are corrosive only and there will be an estimated 200 pounds per year of each waste. The other waste is corrosive and ignitable and there will be an estimated 100 pounds per year of that waste. Treatment will be in an incinerator and disposal will be in a landfill.

LINE NO.	A. EPA HAZARD. WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES 1. PROCESS CODES (enter)	D. PROCESSES 2. PROCESS DESCRIPTION (if a code is not entered in D(1))
X-1	K 0 5 4	900	P	T 0 3 D 8 0	
X-2	D 0 0 2	400	P	T 0 3 D 8 0	
X-3	D 0 0 1	100	P	T 0 3 D 8 0	
X-4	D 0 0 2				included with above

Continued from page 2.

NOTE: Photocopy this page before completing if you have more than 26 wastes to list.

Form Approved OMB No. 158-S80004

EPA I.D. NUMBER (enter from page 1)															FOR OFFICIAL USE ONLY													
S													T/A	C	S											T/A	C	
W	N	Y	D	0	1	3	5	0	8	9	1	6	3	1	W	D	U	P								3	2	DUP
1	2											13	14	15	1	2									13	14	15	23	26

IV. DESCRIPTION OF HAZARDOUS WASTES (continued)

LINE NO.	A. EPA HAZARD. WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES 1. PROCESS CODES (enter)	D. PROCESSES 2. PROCESS DESCRIPTION (if a code is not entered in D(1))
	23 - 26	27 - 35	36	27 - 29 / 27 - 29 / 27 - 29 / 27 - 29	
1	F 0 0 1	700000	P	S 0 1	
2	F 0 0 2	700000	P	S 0 1	
3	F 0 0 3	700000	P	S 0 1	
4	F 0 0 4	700000	P	S 0 1	
5	F 0 0 5	700000	P	S 0 1	
6	D 0 0 2	~~6.09 x 10~~ 999999999	P	S 0 2 T 0 1	
7	D 0 0 2	~~2.5 x 10~~ 999999999	P	S 0 2 T 0 1	
8	D 0 0 7				~~included with above~~
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					

EPA Form 3510-3 (6-80)

CONTINUE ON REVERSE

(enter "A", "B", "C", etc. behind the "3" to identify photocopied pages)

IV. DESCRIPTION OF HAZARDOUS WASTES *(continued)*

E. USE THIS SPACE TO LIST ADDITIONAL PROCESS CODES FROM ITEM D(1) ON PAGE 3.

F6: A/55 F6: A/56

EPA I.D. NO. *(enter from page 1)*

													T/A	C
F	N	Y	D	0	1	3	5	0	8	9	1	6	3	6

V. FACILITY DRAWING

All existing facilities must include in the space provided on page 5 a scale drawing of the facility *(see instructions for more detail).*

VI. PHOTOGRAPHS

All existing facilities must include photographs *(aerial or ground—level)* that clearly delineate all existing structures; existing storage, treatment and disposal areas; and sites of future storage, treatment or disposal areas *(see instructions for more detail).*

VII. FACILITY GEOGRAPHIC LOCATION

LATITUDE *(degrees, minutes, & seconds)*	LONGITUDE *(degrees, minutes, & seconds)*
42 36 000	076 38 100

VIII. FACILITY OWNER

[x] A. If the facility owner is also the facility operator as listed in Section VIII on Form 1, "General Information", place an "X" in the box to the left and skip to Section IX below.

B. If the facility owner is not the facility operator as listed in Section VIII on Form 1, complete the following items:

1. NAME OF FACILITY'S LEGAL OWNER	2. PHONE NO. *(area code & no.)*
E	

3. STREET OR P.O. BOX	4. CITY OR TOWN	5. ST.	6. ZIP CODE
F	G		

IX. OWNER CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME *(print or type)*	B. SIGNATURE	C. DATE SIGNED
V. W. Eder - Asst. Vice President Operation & Generation Services	V W Eder	11/17/80

X. OPERATOR CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME *(print or type)*	B. SIGNATURE	C. DATE SIGNED
V. W. Eder - Asst. Vice President Operation & Generation Services	V W Eder	11/17/80

RESPONDENT CONTACT RECORD (RCR)

FACILITY ID NUMBER	COMPANY NAME
NYD013508916	Greenidge Generating Station

COMPANY ADDRESS	CITY	STATE ABBREV.	ZIP CODE
4500 Vestal Parkway East.	Binghamton.	NY	13902

CONTACT PERSON'S NAME/TITLE	TELEPHONE NUMBER (INCLUDE AREA CODE)
Thomas Hadwin - Supervisor	607 729-2551

CONTACT RECORD

DATE	CONTRACTOR'S INITIALS	ITEMS DISCUSSED/RESOLUTION
9/3	RP.	Start address 1 card 5: Greenidge Station
		" " " ~~Greenidge Station~~.

ec 3/10

orig: RAY
cc: Sue
↓
concern as appropriate
↓
PAB

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233-0001

Henry G. Williams
Commissioner

MAR 04 1986

✓NYD000730366
C1105 = 3 → 5 – entered 9/12/86 – S.P.
C1101 = X
C1103 = $ } entered S.P. 9/12/86

Mr. Vincent W. Rider
Vice President - Plant Operations
New York State Electric & Gas Corporation
4500 Vestal Parkway East
Binghamton, New York 13903

Dear Mr. Rider:

Re: Reclassification of
NYD000730358 (Goudney Station) – O.K.
NYD000730473 (Jennison Station) – O.K.
NYD000730366 (Milliker Station) – this has OK status
NYD000730465 (Somerset Station) – C1105=3 → 5
NYD013508916 (Greenridge Station) C1105 = 3 → 5 – entered 9/12/86 S.P.
NYD079692117 (Hickling Station) – O.K.

The New York State Department of Environmental Conservation (DEC) is now fully responsible for administration of the Resource Conservation and Recovery Act (RCRA) regulatory program for hazardous waste facilities operating under interim status with Part A RCRA Permits.

In order to qualify as an interim status hazardous waste treatment, storage or disposal (TSD) facility pursuant to Section 3005(e) of RCRA and 6NYCRR Part 373, a facility was required to be in existence on November 19, 1980, and to be conducting a hazardous waste activity requiring a RCRA and/or Part 373 Permit. Based on information submitted by your company, it appears that your facility has never qualified for interim status pursuant to Section 3005(e) of RCRA and/or 6NYCRR Part 373, insofar as it never conducted a RCRA or 373 permittable activity. Therefore, DEC considers your facility to never have operated with interim status under a Part A Permit.

If you have any information which would otherwise indicate that your facility had or does qualify for interim status under RCRA or Part 373, it must be submitted within 14 calendar days of the date of this letter. If you do not respond to this letter within the time provided, your facility will be removed from the list of active TSD facilities.

Please be advised that withdrawal of your Part A Permit application terminates your privilege to operate with interim status in the future. Should you decide to conduct any activity not exempt from the permit requirements of 6NYCRR Part 373 and/or 40 CFR Parts 264, 265 and 270, you must first obtain full Part 373 and RCRA Permits. Failure to obtain the proper permits will subject you to enforcement actions pursuant to Section 3008 of RCRA and Article 27, Titles 7 and 9 of the Environmental Conservation Law.

Should you have any questions concerning this matter, please contact Mr. George Heitzman, of my staff, at (518) 457-3274.

Sincerely,

John L. Middelkoop, P.E.
Supervisor, Permits Section
Bureau of Hazardous Waste Technology
Division of Solid and Hazardous Waste

cc: Richard A. Baker (EPA Region II - Permits Administration Branch)
Stan Siegal (EPA Region II - Solid Waste Branch)
David Mafrici (NYSDEC - Bureau of Hazardous Waste Operations)
L. Gross (DEC, Region 7)
F. Shattuck (DEC, Region 8)

EPA

ACKNOWLEDGEMENT OF NOTIFICATION OF HAZARDOUS WASTE ACTIVITY
(VERIFICATION)

This is to acknowledge that you have filed a Notification of Hazardous Waste Activity for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act *(RCRA)*. Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER ➤ •NYD013508916

GREENIDGE GENERATING STATION - NYSE &G
4500 VESTAL PARKWAY EAST
BINGHAMTON NY 13902

INSTALLATION ADDRESS ➤ GREENIDGE STATION
DRESDEN NY 14441

EPA Form 8700-12B (4-80) 11/07/80

Please print or type with ELITE type *(12 characters/inch)* in the unshaded areas only.

Form Approved OMB No. 158-S79
GSA No. 0246-EPA-OT

EPA — U.S. ENVIRONMENTAL PROTECTION AGENCY
NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

INSTALLATION'S EPA I.D. NO.	01350 8916 – W Shore of Seneca Lake
I. NAME OF INSTALLATION	
II. INSTALLATION MAILING ADDRESS	
III. LOCATION OF INSTALLATION	

PLEASE PLACE LABEL IN THIS SPACE

INSTRUCTIONS: If you received a preprinted label, affix it in the space at left. If any of the information on the label is incorrect, draw a line through it and supply the correct information in the appropriate section below. If the label is complete and correct, leave Items I, II, and III below blank. If you did not receive a preprinted label, complete all items. "Installation" means a single site where hazardous waste is generated, treated, stored and/or disposed of, or a transporter's principal place of business. Please refer to the INSTRUCTIONS FOR FILING NOTIFICATION before completing this form. The information requested herein is required by law *(Section 3010 of the Resource Conservation and Recovery Act).*

DETACH

FOR OFFICIAL USE ONLY

COMMENTS: C

INSTALLATION'S EPA I.D. NUMBER	APPROVED	DATE RECEIVED (yr., mo., & day)
S F NYD013508916 T/A 2 C 1		800815

I. NAME OF INSTALLATION

GREENIDGE GENERATING STATION - NYSE&G

II. INSTALLATION MAILING ADDRESS

STREET OR P.O. BOX: C 3450 VESTAL PARKWAY EAST

CITY OR TOWN	ST.	ZIP CODE
C 4 BINGHAMTON	NY	13902

III. LOCATION OF INSTALLATION

STREET OR ROUTE NUMBER: C 5 GREENIDGE STATION

CITY OR TOWN	ST.	ZIP CODE
C 6 DRESDEN	NY	14441

IV. INSTALLATION CONTACT

NAME AND TITLE *(last, first, & job title)*	PHONE NO. *(area code & no.)*
C 2 HADWIN THOMAS SUPERVISOR ENVIR	607-729-2551

V. OWNERSHIP

DETACH

A. NAME OF INSTALLATION'S LEGAL OWNER: C 8 NEW YORK STATE ELECTRIC & GAS CORPORATIO

B. TYPE OF OWNERSHIP *(enter the appropriate letter into box)*

F = FEDERAL
M = NON–FEDERAL

M (56)

VI. TYPE OF HAZARDOUS WASTE ACTIVITY *(enter "X" in the appropriate box(es))*

- [X] A. GENERATION (57)
- [ ] B. TRANSPORTATION *(complete item VII)* (58)
- [X] C. TREAT/STORE/DISPOSE (59)
- [ ] D. UNDERGROUND INJECTION (60)

VII. MODE OF TRANSPORTATION *(transporters only – enter "X" in the appropriate box(es))*

- [ ] A. AIR (61)
- [ ] B. RAIL (62)
- [ ] C. HIGHWAY (63)
- [ ] D. WATER (64)
- [ ] E. OTHER *(specify)*: (65)

VIII. FIRST OR SUBSEQUENT NOTIFICATION

Mark "X" in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your Installation's EPA I.D. Number in the space provided below.

- [X] A. FIRST NOTIFICATION
- [ ] B. SUBSEQUENT NOTIFICATION *(complete item C)*

C. INSTALLATION'S EPA I.D. NO.

IX. DESCRIPTION OF HAZARDOUS WASTES

Please go to the reverse of this form and provide the requested information.

CONTINUE ON REVERSE

I.D. – FOR OFFICIAL USE ONLY			
S		T/A	C
W	NYD013508916	2	1

IX. DESCRIPTION OF HAZARDOUS WASTES *(continued from front)*

A. HAZARDOUS WASTES FROM NON–SPECIFIC SOURCES. Enter the four–digit number from 40 CFR Part 261.31 for each listed hazardous waste from non–specific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
F001	F002	F003	F004	F005	
7	**8**	**9**	**10**	**11**	**12**

B. HAZARDOUS WASTES FROM SPECIFIC SOURCES. Enter the four–digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific industrial sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
19	**20**	**21**	**22**	**23**	**24**
25	**26**	**27**	**28**	**29**	**30**

C. COMMERCIAL CHEMICAL PRODUCT HAZARDOUS WASTES. Enter the four–digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
U013					
37	**38**	**39**	**40**	**41**	**42**
43	**44**	**45**	**46**	**47**	**48**

D. LISTED INFECTIOUS WASTES. Enter the four–digit number from 40 CFR Part 261.34 for each listed hazardous waste from hospitals, veterinary hospitals, medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54

E. CHARACTERISTICS OF NON–LISTED HAZARDOUS WASTES. Mark "X" in the boxes corresponding to the characteristics of non–listed hazardous wastes your installation handles. *(See 40 CFR Parts 261.21 – 261.24.)*

☐ 1. IGNITABLE (D001) ☒ 2. CORROSIVE (D002) ☐ 3. REACTIVE (D003) ☒ 4. TOXIC (D000)

X. CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

SIGNATURE	NAME & OFFICIAL TITLE *(type or print)*	DATE SIGNED
V W Rider	V. W. Rider Asst. Vice President - Operation and Generation Services	8/13/80

EPA Form 8700-12 (6-80) REVERSE

RP

NYSEG

December 29, 1981

NYMISC - 503
EMG-1.8.13

U.S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

Attn: Information Service Center, Room 305

Re: Change in Status under RCRA for Two Generating Stations Owned by New York State Electric & Gas Corporation

Dear Sir or Madam:

This letter will supplement my letter of October 2, 1981, wherein I requested a change of status under the Resource Conservation and Recovery Act ("RCRA") for three New York State Electric & Gas Corporation ("NYSEG") facilities. In addition to the three facilities mentioned in my earlier letter, NYSEG owns and operates two other facilities, Milliken Generating Station, Ludlowville, New York (EPA I.D. No. NYD 000730366) and Greenidge Generating Station, Dresden New York (EPA I.D. No. NYD 013508916). On November 17, 1981, NYSEG filed Part A permit applications under RCRA for these two coal-fired steam electric generating stations, classifying them in the category of "treatment, storage or disposal facilities" ("TSD facilities"). However, subsequent to our filing of Part A applications, EPA has issued several regulatory policies which we feel remove our two above-listed facilities from the TSD category under RCRA. By this letter, NYSEG formally requests that the status of these facilities be changed on your records. I set out in detail below the reasons why such change of status is warranted.

A letter dated January 13, 1981 from Gary N. Dietrich, EPA's Associate Deputy Administrator for Solid Waste to Paul Emler, Jr., Chairman of the Utility Solid Waste Activity Group indicates that wastes which are generated in conjunction with the combustion of fossil fuels and are mixed with and co-treated or co-disposed with fly ash, bottom ash, boiler slag or flue gas emission control wastes from coal combustion are not considered to be hazardous wastes under the exemption set out in RCRA regulations codified at 40 CFR §261.4(b) (4). A copy of Mr. Dietrich's letter is enclosed. Air heater washes generated at NYSEG's Milliken and Greenidge facilities, produced in conjunction with coal combustion, are treated in tanks at the facilities, and the sludge from these treatment processes is co-disposed with fly ash and bottom ash resulting from the coal combustion process. The wastewater from the treatment system at the two plants is discharged as part of a point source subject to a permit under §402 of the Federal Water Pollution Control Act, as amended, and is thus exempted from RCRA regulation under §1004(27) of RCRA, 42 U.S.C. §6903(27). The air heater wash waste streams were listed on page 3 of the Part A permit application for both the Milliken and Greenidge facilities at lines 7 and 8. Under the policies set out above, this waste is excluded from RCRA regulation.

On November 17, 1981, EPA published regulations in the Federal Register (codified at 40 CFR §265.1(c)(10)) indicating that the owner or operator of an "elementary neutralization tank" used for neutralizing wastes which are hazardous only because they exhibit the characteristic of corrosivity is not regulated as a treatment facility under 40 CFR Part 265. NYSEG employs tanks for the elementary neutralization of corrosive coal pile runoff at its Milliken and Greenidge facilities and for the neutralization of corrosive demineralizing regenerant at the Milliken facility. Both of these waste streams exhibit no hazardous characteristics other than corrosivity. Under the above-cited regulatory language, the neutralization tanks are not subject to RCRA regulation at this time. Line 6 on page 3 of the Part A permit applications for both Milliken and Greenidge covers the coal pile runoff wastes at these facilities, and line 9 for Milliken covers demineralizing regenerant. The wastes placed in the neutralization tanks at Greenidge and Milliken were the subject of an earlier letter, sent to you on June 10, 1981.

Air heater washes, coal pile runoff and demineralizing regenerant were the only waste streams listed on the Milliken and Greenidge Part A applications that are subjected to on-site treatment, storage or disposal. Since, as explained above, these wastes are either no longer considered hazardous wastes, or their treatment is no longer subject to RCRA regulation, the Milliken and Greenidge facilities should no longer be considered to be TSD facilities.

The Milliken and Greenidge facilities generate small quantities of spent solvents (see lines 1-5 on page 3 of the Part A permit applications for these facilities), some of which are listed as hazardous wastes in the RCRA regulations. However, no long-term storage (over 90 days), treatment or disposal of these solvents is performed at these NYSEG facilities.

Because we believe that the factors cited above remove the Milliken and Greenidge facilities from classification as treatment, storage or disposal facilities, NYSEG intends to conduct its operations based upon the revised classifications set out herein. Should there be any problems with these designations, or with the interpretations set out above, please let me know as soon as possible, as NYSEG must plan its operations accordingly.

If any further actions are required of NYSEG in order to change the classifications of our facilities, or if any additional information is required, please inform Lewis D. Whitney of my staff at the above address. Mr. Whitney can also be reached by telephone at (607) 729-2551, Extension 4319.

Sincerely yours,

V. W. Rider
Asst. Vice President
Operation and Generation
Services

VWR/pmg
Enclosure

cc: M. L. Buzel
J. I. Fiala
T. J. Hadwin
J. K. Smith
S. C. Snyder
L. D. Whitney

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 13 1981

OFFICE OF WATER
AND WASTE MANAGEMENT

Mr. Paul Emler, Jr.
Chairman
Utility Solid Waste Activities
Group
Suite 700
1111 Nineteenth Street, N.W.
Washington, D.C. 20036

Dear Mr. Emler:

This is a response to your letter of October 10, 1980 to Administrator Costle, regarding the recent Solid Waste Disposal Act Amendments of 1980 and their relation to the electric utility industry. In your letter and its accompanying document, you discussed the specific amendments which address fossil fuel combustion wastes, and suggested interpretive language which EPA should adopt in carrying out the mandate of the amendments. You requested a meeting with our staff to make us more fully aware of the solid waste management practices of the electric utility industry, and to discuss the effect of the amendments on the utility solid waste study which EPA is currently conducting.

I appreciated the opportunity to meet with you, in your capacity as chairman of the Utility Solid Waste Activities Group (USWAG), on November 21 to discuss your concerns. I am taking this occasion to share with you the most recent EPA thinking on the exclusion from our hazardous waste management regulations of waste generated by the combustion of fossil fuels, and to confirm certain agreements which were reached during our meeting. The language contained in this letter should provide you and your constituents with an adequate interpretation of the fossil fuel combustion waste exclusion in Section 261.4(b)(4) of our regulations. This letter is also being circulated to appropriate Agency personnel, such as our Regional Directors of Enforcement, for their information and use. We intend to issue in the Federal Register an official Regulations Interpretation Memorandum reflecting the policies articulated in this letter.

In our May 19, 1980 hazardous waste management regulations, we published an exclusion from Subtitle C regulation for those fossil fuel combustion wastes which were the subject of then pending Congressional amendments. The language of that exclusion in §261.4(b)(4) of our May 19 regulations is identical to pertinent language of Section 7 of the Solid Waste Disposal Act

Amendments of 1980 (P.L. 96-482) which was enacted on October 21, 1980 and which mandates that exclusion. Specifically, the exclusion language of our regulations provides that the following solid wastes are not hazardous wastes:

> "Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels."

Residues from the Combustion of Fuel Mixtures

The first point which you raise in your letter and your "Proposed RIM Language" is the interpretation of the term "primarily" used in this exclusion language. EPA believes that Congress intended the term "primarily" to mean that the fossil fuel is the predominant fuel in the fuel mix, i.e., more than 50 percent of the fuel mix. (See Congressional Record, February 20, 1980, p. H1103, remarks of Congressman Horton and p. H1102, remarks of Congressman Bevill.) Therefore, EPA is interpreting the exclusion of §261.4(b)(4) to include fly ash, bottom ash, boiler slag and flue gas emission control wastes (hereinafter referred to as "combustion wastes") that are generated by the combustion of mixtures of fossil fuels and alternative fuels, provided that fossil fuels make up at least 50 percent of the fuel mix.

This interpretation begs the question of whether the exclusion also extends to combustion wastes that result from the burning of mixtures of fossil fuels and hazardous wastes. We have limited data which indicates that spent solvents listed in §261.31 of our regulations, certain distillation residues listed in §261.32, waste oils that may be hazardous wastes by virtue of characteristics or the mixture rule, and other hazardous wastes are often burned as supplemental fuels--sometimes in proportionally small amounts but sometimes in significant amounts (comprising 10 percent or more of the fuel mix ratio)--particularly in industrial boilers but sometimes in utility boilers. EPA is concerned about the human health and environmental effect of the burning of these hazardous wastes: both the effect of emissions into the atmosphere and the effect of combustion residuals that would be contained in the fly ash, bottom ash, boiler slag and flue gas emission control wastes.

We intend to address the first of these concerns in our future development of special requirements applicable to hazardous wastes that are beneficially used or legitimately recycled. In §261.6 of our May 19, 1980 regulations, we currently exempt from regulatory coverage hazardous wastes that are benefically used or legitimately recycled, except that, where these wastes are listed as hazardous wastes or sludges, their storage or transportation prior to use or recycle is subject to our

regulations. We clearly explained in the preamble to Part 261 of our May 19 regulations that we fully intend to eventually regulate the use and recycling of hazardous wastes and, in doing so, would probably, in most cases, develop special requirements that provide adequate protection of human health and the environment without unwarranted discouragement of resource conservation. Consequently, although the burning of hazardous waste as a fuel (a beneficial use assuming that the waste has a positive fuel value) is not now subject to our regulations (except as noted above) it may well be subject to our regulation in the future.

Our second concern with combustion of fuel mixtures is the one at focus in this interpretation. It must first be noted that we do not intend for §261.6 to provide an exemption from regulation for combustion wastes resulting from the burning of hazardous wastes in combination with fossil fuels; it only provides an exemption for the actual burning of hazardous wastes for recovery of fuel value. Thus, if these combustion wastes are exempted from our regulation, such exemption must be found through interpretation of §261.4(b)(4). Secondly, we note that although the pertinent language in Section 7 of the Solid Waste Disposal Act Amendments of 1980 and the related legislative history on this matter speak of allowing the burning of alternative fuel without precisely defining or delineating the types of alternative fuel, the only examples of alternative fuels used in the legislative history are refuse derived fuels. Therefore, a literal reading of the legislative history might enable us to interpret the exclusion to include combustion wastes resulting from the burning of fossil fuels and other fuels, including hazardous wastes. However, since each of these legislative comments was made in the context of refuse derived fuels or other non-hazardous alternate fuels, we do not believe the Congressional intent compels us to make such an interpretation if we have reason to believe that such combustion wastes are hazardous.

Presently, we have little data on whether or to what extent combustion wastes are "contaminated" by the burning of fossil fuel/hazardous waste mixtures. The data we do have (e.g., burning of waste oils) suggests that the hazardous waste could contribute toxic heavy metal contaminants to such combustion wastes. When coal is the primary fuel, the amount of resulting contamination is probably in amounts that are not significantly different than the metals that would be contributed by the fossil fuel component of the fuel mixture. This may not be the case with oil and gas, where huge volumes of waste are not available to provide a dilution effect. We suspect that the other hazardous constituents of the hazardous wastes that typically would be burned as a fuel are either thermally destroyed or are emitted in the flue gas (and therefore are part of our first concern as discussed above). If

these data and this presumption are true, then combustion wastes resulting from the burning of coal/hazardous waste mixtures should not be significantly different in composition than combustion wastes generated by the burning of coal alone. Because the Congress has seen fit to exclude the latter wastes from Subtitle C, pending more study, we feel compelled to provide the same exclusion to the former wastes.

Accordingly, we will interpret the exclusion of §261.4(b)(4) to include fly ash, bottom ash, boiler slag and flue gas emission control wastes generated in the combustion of coal/hazardous waste mixtures provided that coal makes up more than 50 percent of the fuel mixture.

We offer this interpretation with great reluctance and with the clear understanding it is subject to change, if and when data indicate that combustion wastes are significantly contaminated by the burning of hazardous wastes as fuel. We also offer this interpretation with the understanding, as discussed at our meeting of November 21, that the utility industry will work with us over the next several months to improve our data on this matter. We believe it is essential that we make a more informed judgement and possible reconsideration of our interpretation of the exclusion as soon as possible and before completion of our longer-term study of utility waste which is proceeding. Accordingly, we would like you to provide to us all available data on the following questions by August 1, 1981:

1. What types of hazardous wastes are commonly burned as fuels in utility boilers? In what quantity? In what ratio to fossil fuels? How often? What is their BTU content?

2. Does the burning of these wastes contribute hazardous constituents (see Appendix VIII of Part 261 of our regulations) to any of the combustion wastes? If so, what constituents, and in what amounts? How does the composition of combustion wastes change when hazardous wastes are burned?

Co-disposal and Co-treatment

The second issue raised in your letter was whether the exclusion extends to wastes produced in conjunction with the burning of fossil fuels which are co-disposed or co-treated with fly ash, bottom ash, boiler slag and flue gas emission control wastes. As examples of such wastes, you specifically mention boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites, cooling tower blowdown, or any "wastes of power plant origin whose co-treatment with fly ash, bottom ash, slag and flue gas emission control sludges is regulated under State-or-EPA-sanctioned management or treatment plans."

The legislative history on this matter clearly indicates that the Congress intended that these other wastes be exempted from Subtitle C regulation provided that they are mixed with and co-disposed or co-treated with the combustion wastes and further provided that "there is no evidence of any substantial environmental danger from these mixtures." (See Congressional Record, February 20, 1980, p. H 1102, remarks of Congressman Bevill; also see remarks of Congressman Rahall, Congressional Record, February 20, 1980, p. H1104.)

We have very little data on the composition, character and quantity of these other associated wastes (those cited above), but the data we do have suggest that they are generated in small quantities relative to combustion wastes, at least when coal is the fuel, and that they primarily contain the same heavy metal contaminants as the combustion wastes, although they may have a significantly different pH than the combustion wastes. These limited data therefore suggest that, when these other wastes are mixed with and co-disposed or co-treated with the much larger quantities of combustion wastes, their composition and character are "masked" by the composition and character of the combustion wastes; that is, they do not significantly alter the hazardous character, if any, of the combustion wastes.

Given this information base and given the absence of definitive information indicating that these other wastes do pose a "substantial danger" to human health or the environment, we believe it is appropriate, in the light of Congressional intent, to interpret the §261.4(b)(4) exclusion to include other wastes that are generated in conjunction with the burning of fossil fuels and mixed with and co-disposed or co-treated with fly ash, bottom ash, boiler slag and flue gas emission control wastes.

We offer this interpretation with some reluctance because it is made in the absence of definitive information about the hazardous properties of these other wastes or their mixtures with combustion wastes. We therefore believe it is imperative that we proceed to collect all available data on this matter within the next several months and reconsider this interpretation when these data are assessed. Toward that end and consistent with the discussion at our meeting of November 21, we are asking that you assist us in collecting these data. Specifically, we ask that you collect and submit by August 1, 1981, any available data on the following questions:

1. What are the "other" wastes which are commonly mixed with and co-disposed or co-treated with fly ash, bottom ash, boiler slag or flue gas emission control wastes? What are their physical (e.g., sludge or liquid) and chemical properties? Are they hazardous wastes in accordance with Part 261?

2. What are the co-disposal or co-treatment methods employed?

3. How often are these wastes generated? In what quantities are they generated? Are they commonly treated in any way before being co-disposed?

4. Does the industry possess any data on the environmental effects of co-disposing of these wastes? Groundwater monitoring data? What are the results?

The interpretation on other associated wastes provided in this letter is limited to wastes that are generated in conjunction with the burning of fossil fuels. We do not intend to exempt hazardous wastes that are generated by activities that are not directly associated with fossil fuel combustion, steam generation or water cooling processes. Thus, for example, the §261.4(b)(4) exclusion does not cover pesticides or herbicide wastes; spent solvents, waste oils or other wastes that might be generated in construction or maintenance activities typically carried out at utility and industrial plants; or any of the commercial chemicals listed in §261.33 which are discarded or intended to be discarded and therefore are hazardous wastes. Further, the exclusion does not cover any of the hazardous wastes listed in §§261.31 or 261.32 of our regulations. None of these listed wastes were mentioned in your letter or our discussions.

The interpretation on other wastes is also limited to wastes that traditionally have been and which actually are mixed with and co-disposed or co-treated with combustion wastes. If any of these other wastes (e.g., boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites and cooling tower blowdown) are segregated and disposed of or treated separately from combustion wastes and they are hazardous wastes, they are not covered by the exclusion. In the same vein, the exclusion does not cover other wastes where there are no combustion wastes (or relatively small amounts of combustion wastes) with which they might be mixed and co-disposed or co-treated--a situation which might prevail where natural gas or oil is the principal fossil fuel being used. Therefore, this interpretation of the exclusion applies only where coal is the primary fuel. We feel this is a legitimate interpretation of Congressional intent, wherein the argument of little potential environmental hazard, primarily due to the dilution factor, is clearly based upon co-disposal or co-treatment with the huge volumes of wastes generated during coal combustion.

EPA Utility Waste Study

The groups of questions raised above bring us to the final subject which you address concerning the study of utility solid waste management which EPA is conducting. We agree that the study, as currently being conducted, does not focus on the matters discussed in this letter. We would, however, like to address these matters and include them in our report to Congress, to the extent possible. To accomplish this, we plan to meet in the very near future with our contractor, Arthur D. Little, Inc., to discuss what studies may need to be carried out in addition to their currently planned activities under the contract. The inputs of your organization could be quite useful in this effort. It may be impossible, however, to modify our present study to include a detailed investigation of all of the issues discussed above.

Notwithstanding, we would like to address the matters discussed in this letter within a shorter time frame--during the next six months. Based on our meeting of November 21, it is my understanding that the utility industry, working closely with EPA, is willing to develop data on the questions put forth above. We agreed that, as a first step, USWAG will prepare a study outline designed to obtain these data. EPA staff and industry representatives designated by your organization will then mutually review the information needs. The data collection effort will then follow. Finally, data and analyses will be presented to EPA for review. This will enable us to reconsider the interpretation provided in this letter and make any changes deemed necessary. Therefore, I would appreciate it if you would designate a technical representative as USWAG's contact person for this coordinated data collection effort.

In the meantime, and pending completion of this effort, EPA will interpret 40 CFR §261.4(b)(4) to mean that the following solid wastes are not hazardous wastes:

(a) Fly ash, bottom ash, boiler slag and flue gas emission control wastes resulting from (1) the combustion solely of coal, oil, or natural gas, (2) the combustion of any mixture of these fossil fuels, or (3) the combustion of any mixture of coal and other fuels, up to a 50 percent mixture of such other fuels.

(b) Wastes produced in conjunction with the combustion of fossil fuels, which are necessarily associated with the production of energy, and which traditionally have been, and which actually are, mixed with and co-disposed or co-treated with fly ash, bottom ash, boiler slag, or flue gas emission control wastes from coal combustion.

This provision includes, but is not limited to, the following wastes:

(1) boiler cleaning solutions,

(2) boiler blowdown,

(3) demineralizer regenerant,

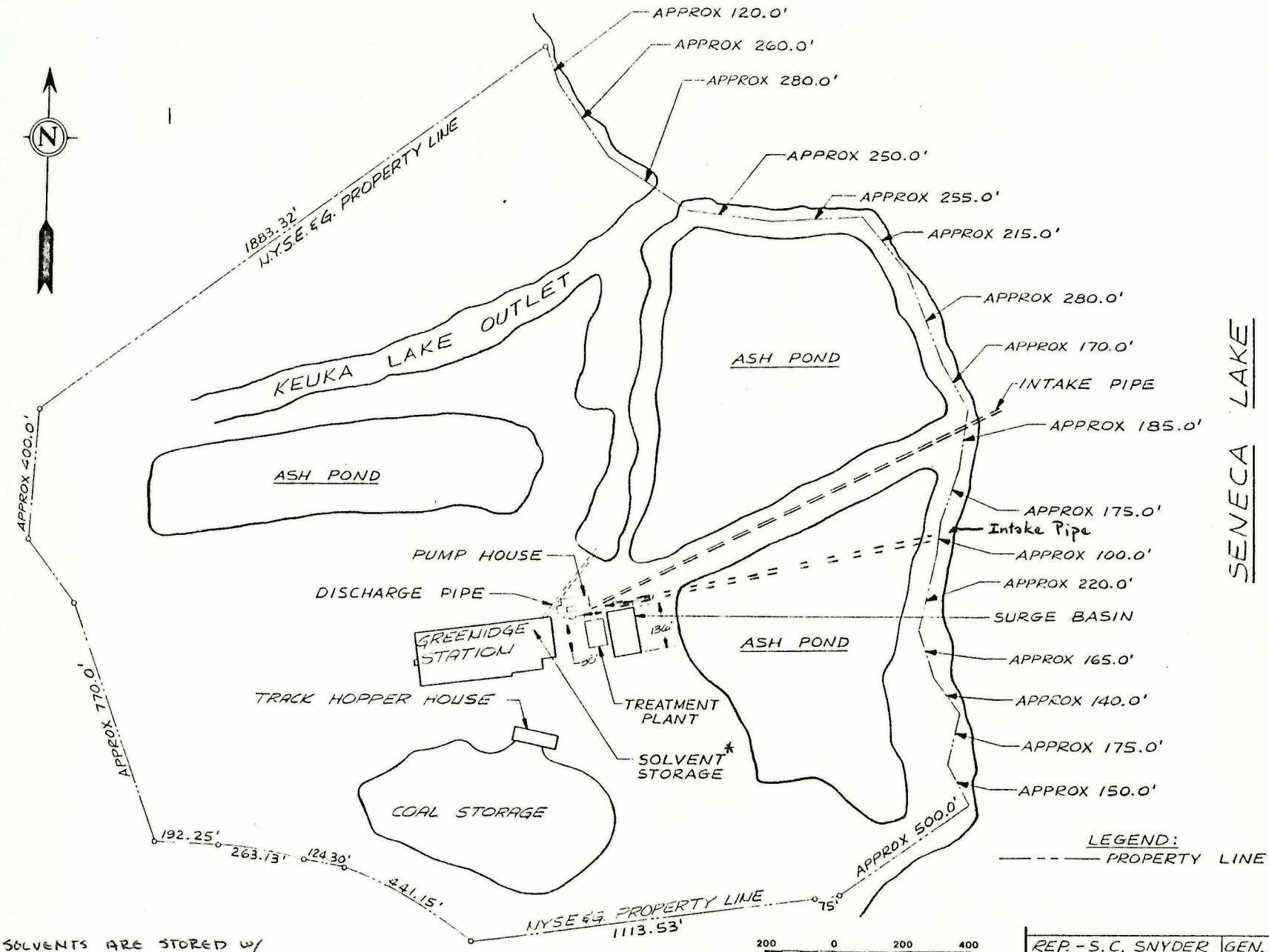
(4) pyrites, and

(5) cooling tower blowdown.

I am hopeful that our future research activities together will prove fruitful and that these issues can be rapidly resolved. I have designated Ms. Penelope Hansen of my staff as the EPA point of contact for this effort. You may reach her at (202) 755-9206.

Sincerely yours,

Gary N. Dietrich
Associate Deputy Assistant Administrator
for Solid Waste



* SOLVENTS ARE STORED W/ SEVERAL OTHER CHEMICALS. THEY OCCUPY ≈ 180 Ft².

SYM	ZONE	REVISION	DATE	BY	CHK	APP

APPROVED CONST	DATE	STAFF APPROVAL	DATE		
DRAWN BY M.E KROM	DATE 4/6/80	GROUP	CHECKED BY W. Norton	DATE 4/21/80	

TOLERANCES UNLESS OTHERWISE NOTED
FRACTIONAL 1/16 DECIMAL .1 ANGLE 1°
REMOVE ALL BURRS

MATERIAL

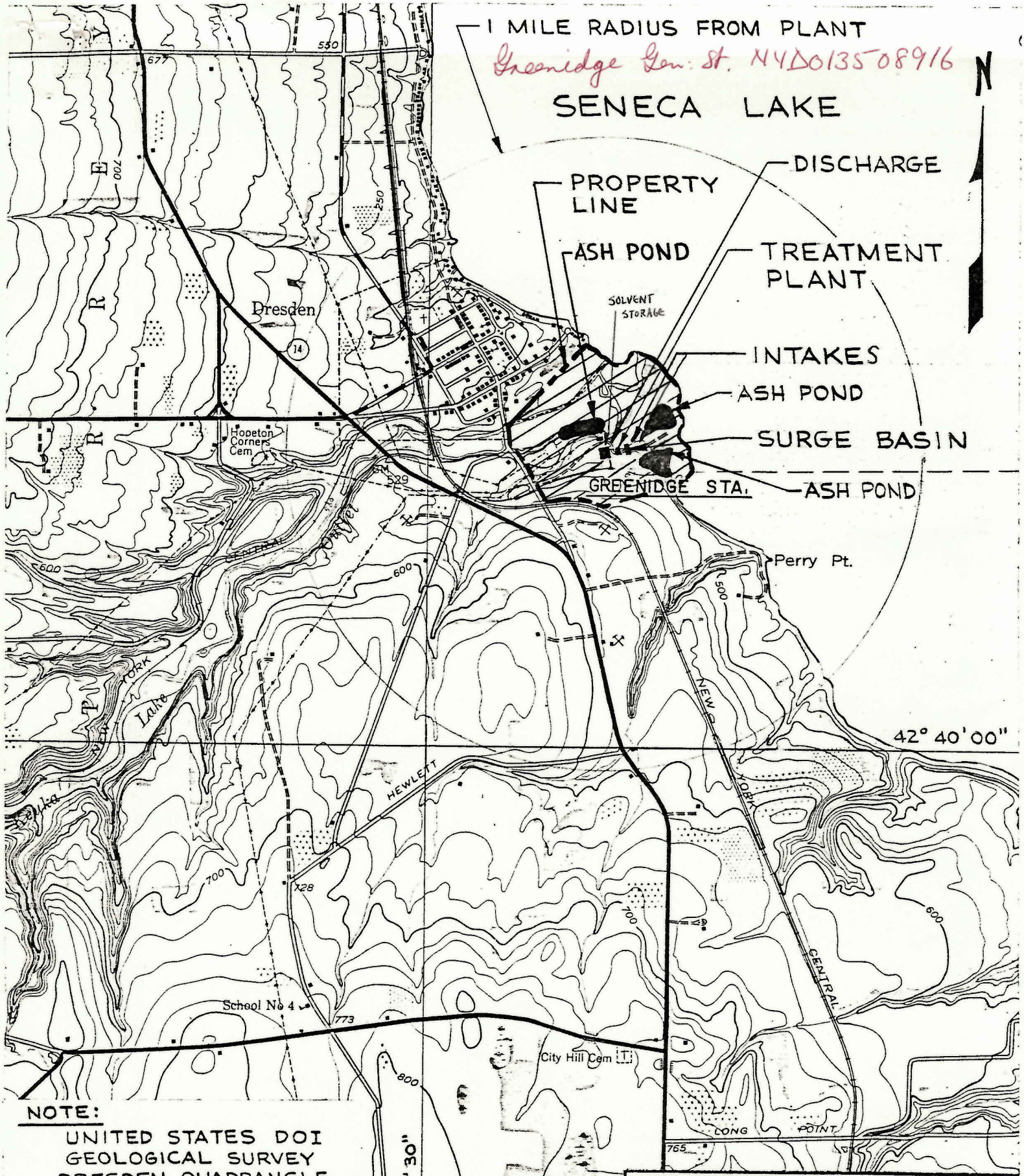
REP. - S.C. SNYDER	GEN. ENGRG.
NEXT PERTAINING ASSEMBLY	NUMBER REQUIRED

NEW YORK STATE ELECTRIC & GAS CORP.

TITLE PLOT PLAN - 1980
RESOURCE CONSERVATION & RECOVERY
— GREENIDGE —

SCALE 1"=200' DWG Nº B-10736

N4001350 8916 - Greenidge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Greenidge Gen. St. NYD013508916
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TREATMENT PLANT
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INTAKES
ASH POND
SURGE BASIN
GREENIDGE STA.
ASH POND
Dresden
Hopeton Corners Cem
Perry Pt.
Keuka Lake
HEWLETT
School No 4
City Hill Cem
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76° 57' 30"
NOTE:
UNITED STATES DOI
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NEW YORK
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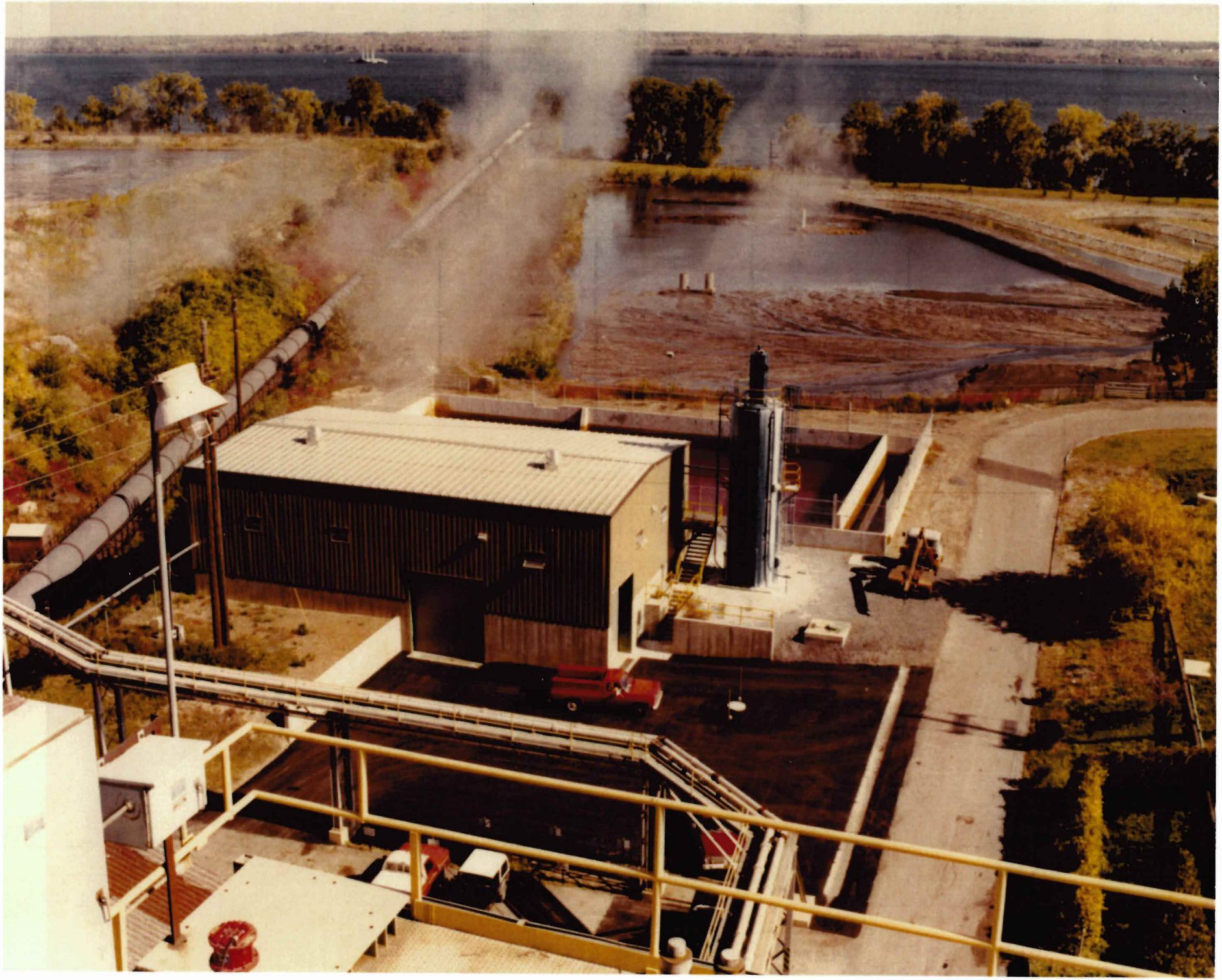
NEW YORK STATE ELECTRIC & GAS CORP.
TITLE TOPO PLAN - 1980
RESOURCE CONSERVATION & RECOVERY
— GREENIDGE —
SCALE 1" = 2000'
DWG. NO S-10731



NEW YORK STATE ELECTRIC & GAS CORPORATION

BINGHAMTON, NEW YORK 13902

November 17, 1980

NYMISC-

EPA Region II
Information Service Center
26 Federal Plaza
New York, NY 10007

Gentlemen:

Enclosed please find completed Consolidated Permit Program Forms 1 and 3 for New York State Electric and Gas Corporation's (NYSEG) five operating coal fired steam electric generating stations. These forms are being submitted in order to qualify for "Interim Status" pursuant to 40CFR 122.23. In addition to the information provided on the enclosed forms, further explanation of NYSEG's activities is given on various attachments to the appropriate forms. Attachment I for each of the five operating generating stations provides information concerning the status of the water pollution discharge permit for the respective facility. This information is provided as an explanation of Items II.C. and X.A. of Form 1. Attachment II to the Hickling Generating Station, Jennison Generating Station and Goudey Generating Station applications explains why NYSEG has not provided information for coal pile leachate and runoff in Items III. and IV. of Form 3. Finally, Attachment II to the applications for Milliken Generating Station and Greenidge Generating Station and Attachment III to the applications for the Hickling, Jennison and Goudey Generating Stations explains the basis for not including information concerning asbestos.

Notwithstanding the facts given in Attachment II to the Milliken and Greenidge Generating Stations application and Attachment III to the Hickling, Jennison and Goudey Generating Stations applications, NYSEG did submit 3010 Notifications of

Hazardous Waste Activity (Notifications) for the five operating generating stations which listed asbestos in Item IX.C. NYSEG now wishes to amend these Notifications by deleting the insertion of "U013" in box 31 of Item IX.C. If this letter is not the appropriate mechanism to amend the Notifications, I would appreciate you so advising me.

Sincerely yours,

V. W. Rider
Asst. Vice President
Operation & Generation Services

LDW/VWR/dw

Enclosures

ACKNOWLEDGEMENT OF NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

REGION 2

08/09/99

This is to acknowledge that you have filed a **Notification of Hazardous Waste Activity** for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER	→	**NYD013508916**
INSTALLATION NAME	→	**AES GREENIDGE LLC**
INSTALLATION ADDRESS	→	**590 PLANT RD** **DRESDEN, NY 14441**
MAILING ADDRESS	→	**PO BOX 187** **DRESDEN, NY 14441**

EPA Form 8700-12AB (4-80)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY, 22nd Floor
NEW YORK, NEW YORK 10007-1866

ATTN: DIV OF ENVIRON PLANNING & PROTECTION
RCRA PROGRAMS BRANCH

TO: RADDER, CARL
SUPV
PO BOX 187
DRESDEN, NY 14441

Please print or type with ELITE

To avoid delays in processing, please complete all sections.
Only original signature of the Generator is acceptable.

(3)

Please refer to the *Instructions for Filing Notification* before completing this form. The information requested here is required by law (Section 3010 of the *Resource Conservation and Recovery Act*).

EPA Notification of Regulated Waste Activity

United States Environmental Protection Agency

Date Received (For Official Use Only)

XED

JUL 15 1999

Change (owner) COMPLETE ALL ITEMS

I. Installation's EPA ID Number *(Mark 'X' in the appropriate box)*

[ ] A. First Notification [X] B. Subsequent Notification *(Complete item C)*

C. Installation's EPA ID Number: NYD013588916

II. Name of Installation *(Include company and specific site name)*

AES GREENIDGE LLC

III. Location of Installation Requires Building Number

Street: 590 PLANT ROAD

Street *(Continued)*:

City of Town: DRESDEN

State: NY

Zip Code: 14441

County Name: YATES

IV. Installation Mailing Address

Street or P.O. Box: PO BOX 187

City or Town: DRESDEN

State: NY

Zip Code: 14441

V. Installation Contact *(Person to be contacted regarding waste activities at site)*

Name *(Last)*: RADDER

(First): CARL

Job Title:

Phone Number *(Area Code and Number)*: 3155362359

VI. Installation Contact Address

A. Contract Address Location Mailing Other: [ ] [X] [ ]

B. Street or P.O. Box:

City or Town:

State:

Zip Code:

VII. Ownership

A. Name of Installation's Legal Owner: AES EASTERN ENERGY LP

Street, P.O. Box, of Route Number: PO BOX 187

City or Town: DRESDEN

State: NY

Zip Code: 14441

Phone Number *(Area Code and Number)*: 3155362359

B. Land Type: P

C. Owner Type: P

D. Change of Owner Indicator: Yes [X] No [ ]

(Date Changed) Month: 05 Day: 14 Year: 99

From: Jack Hoyt, AWMD, EPA, Region 2, 290 Broadway, 22 Fl.
New York, NY 10007-1866. Tel: (212) 637 4106

Mailing Address Verified US Post Office (SS)

Please print or type with ELITE type (12 characters per inch) in the unshaded areas only

Form Approved. OMB No. 2050-0028 Expires 9-3
GSA No. 0246-EP

ID - For Official Use Only

VIII. Type of Regulated Waste Activity *(Mark 'X' in the appropriate boxes; Refer to instructions)*

A. Hazardous Waste Activity

1. Generator (See instructions)
   - [ ] a. Greater than 1000kg/mo (2,200 lbs.)
   - [ ] b. 100 to 1000 kg/mo (200-2,200 lbs.)
   - [X] c. Less than 100 kg/mo (220 lbs)
2. Transporter (Indicate Mode in boxes 1-5 below)
   - [ ] a. For own waste only
   - [ ] b. For commercial purposes

   Mode of Transportation
   - [ ] 1. Air
   - [ ] 2. Rail
   - [ ] 3. Highway
   - [ ] 4. Water
   - [ ] 5. Other - specify

3. [ ] Treater, Storer, Disposer (at installation) Note: A permit is required for this activity; see instructions.
4. Hazardous Waste Fuel
   - [ ] a. Generator Marketing to Burner
   - [ ] b. Other Marketers
   - [ ] c. Boiler and/or Industrial Furnace
     - [ ] 1. Smelter Deferral
     - [ ] 2. Small Quantity Exemption

   Indicate Type of Combustion Device(s)
   - [ ] 1. Utility Boiler
   - [ ] 2. Industrial Boiler
   - [ ] 3. Industrial Furnace
5. [ ] Underground Injection Control

B. Used Oil Recycling Activities

1. Used Oil Fuel Marketer
   - [ ] a. Marketer Directs Shipment of Used Oil to Off-Specification Burner
   - [ ] b. Marketer Who First Claims the Used Oil Meets the Specifications
2. Used Oil Burner - Indicate Type(s) of Combustion Device(s)
   - [ ] a. Utility Boiler
   - [ ] b. Industrial Boiler
   - [ ] c. Industrial Furnace
3. Used Oil Transporter - Indicate Type(s) of Activity(ies)
   - [ ] a. Transporter
   - [ ] b. Transfer Facility
4. Used Oil Processor/Re-refiner - Indicate Type(s) of Activity(ies)
   - [ ] a. Process
   - [ ] b. Re-refine

IX. Description of Hazardous Wastes *(Use additional sheets if necessary)*

A. Characteristics of Nonlisted Hazardous Wastes. *(Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles; See 40 CFR Parts 261.20 - 261.24)*

1. Ignitable (D001)	2. Corrosive (D002)	3. Reactive (D003)	4. Toxicity Characteristic	(List specific EPA hazardous waste number(s) for the Toxicity characteristic contaminant(s))
X	X	X	X	

B. Listed Hazardous Wastes. *(See 40 CFR 261.31 - 33; See instructions if you need to list more than 12 waste codes.)*

1	2	3	4	5	6
7	8	9	10	11	12

C. Other Wastes. *(State or other wastes requiring a handler to have an I.D. number; See instructions.)*

1	2	3	4	5	6

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature	Name and Official Title *(Type or print)*	Date Signed
ORIGINAL GENERATOR Carl E Rader Jr.	CARL E. RADER JR.	6/4/1999

XI. Comments

Note: Mail completed form to the appropriate EPA Regional or State Office. *(See Section III of the booklet for addresses.)*

EPA Form 8700-12 (Rev. 11-30-98) Previous edition is obsolete.

STF EMC

ACKNOWLEDGEMENT OF NOTIFICATION OF HAZARDOUS WASTE ACTIVITY

REGION 2

01/04/99

This is to acknowledge that you have filed a **Notification of Hazardous Waste Activity** for the installation located at the address shown in the box below to comply with Section 3010 of the Resource Conservation and Recovery Act (RCRA). Your EPA Identification Number for that installation appears in the box below. The EPA Identification Number must be included on all shipping manifests for transporting hazardous wastes; on all Annual Reports that generators of hazardous waste, and owners and operators of hazardous waste treatment, storage and disposal facilities must file with EPA; on all applications for a Federal Hazardous Waste Permit; and other hazardous waste management reports and documents required under Subtitle C of RCRA.

EPA I.D. NUMBER	→	**NYD013508916**
INSTALLATION NAME	→	**NYS ELECTRIC & GAS**
INSTALLATION ADDRESS	→	**RTE 14 GREENRIDGE STATION** **DRESDEN, NY 14441**
MAILING ADDRESS	→	**PO BOX 187** **DRESDEN, NY 14441**

EPA Form 8700-12AB (4-80)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY, 22nd Floor
NEW YORK, NEW YORK 10007-1866

ATTN: DIV OF ENVIRON PLANNING & PROTECTION
RCRA PROGRAMS BRANCH

TO: RADDER, CARL
SUPV
PO BOX 187
DRESDEN, NY 14441

Please print or type with ELITE type (12 characters per inch) in the unshaded areas only

GSA No. 0246-EPA-OT

U.S. EPA AGENCY

Please refer to the instructions for filling Notification before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).

EPA Notification of Regulated Waste Activity

United States Environmental Protection Agency

Date Received (For Official Use Only)

DEC 28 1992

HAZARDOUS & SOLID WASTE PROGRAMS BRANCH

I. Installation's EPA ID Number (Mark "X" in the appropriate box)

A. First Notification [ ] B. Subsequent Notification [X] (complete item C)

C. Installation's EPA ID Number: NYD011B50891 6

II. Name of Installation (include company and specific site name)

NYS ELECTRIC & GAS

III. Location of Installation (Physical address not P.O. Box or Route Number)

Street: GREENRIDGE STATION

Street (continued): RTE 114

City or Town: DRESDEN | State: NY | ZIP Code: 14441 -

County Code: | County Name: YATES

IV. Installation Mailing Address (See instructions)

Street or P.O. Box: POB 187

City or Town: DRESDEN | State: NY | ZIP Code: 14441 -

V. Installation Contact (Person to be contacted regarding waste activities at site)

Name (last): RADDER | (first): CARL

Job Title: SUPERVISOR | Phone Number (area code and number): 315-536-2359

VI. Installation Contact Address (See instructions)

A. Contact Address: Location [ ] Mailing [ ] | B. Street or P.O. Box: POX 187

City or Town: WDRESDEN | State: NY | ZIP Code: 14441 -

VII. Ownership (See instructions)

A. Name of Installation's Legal Owner: ENERGY EAST CORP

Street, P.O. Box, or Route Number: POB 5224

City or Town: BINGHAMTON | State: NY | ZIP Code: 13902 - 5224

Phone Number (area code and number)	B. Land Type	C. Owner Type	D. Change of Owner Indicator	(Date Changed) Month	Day	Year
607 - 729 - 2551			Yes [ ] No [ ]	04	29	98

Change (Curves)

ID – For Official Use Only

VIII. Type of Regulated Waste Activity (Mark "X" in the appropriate boxes. Refer to instructions.)

A. Hazardous Waste Activity

1. Generator (See Instructions)
   - [X] a. Greater than 1000kg/mo (2,200 lbs.)
   - [ ] b. 100 to 1000 kg/mo (220 – 2,200 lbs.)
   - [ ] c. Less than 100 kg/mo (220 lbs.)
2. Transporter (Indicate Mode in boxes 1–5 below)
   - [ ] a. For own waste only
   - [ ] b. For commercial purposes

   Mode of Transportation
   - [ ] 1. Air
   - [ ] 2. Rail
   - [ ] 3. Highway
   - [ ] 4. Water
   - [ ] 5. Other – specify
3. [ ] Treater, Storer, Disposer (at installation) Note: A permit is required for this activity; see instructions.
4. Hazardous Waste Fuel
   - [ ] a. Generator Marketing to Burner
   - [ ] b. Other Marketers
   - [ ] c. Boiler and/or Industrial Furnace
     - [ ] 1. Smelter Deferral
     - [ ] 2. Small Quantity Exemption

     Indicate Type of Combustion Device(s)
     - [ ] 1. Utility Boiler
     - [ ] 2. Industrial Boiler
     - [ ] 3. Industrial Furnace
5. [ ] Underground Injection Control

B. Used Oil Fuel Activities

1. Off-Specification Used Oil Fuel
   - [ ] a. Generator Marketing to Burner
   - [ ] b. Other Marketer
   - [ ] c. Burner – Indicate device(s) – Type of Combustion Device
     - [ ] 1. Utility Boiler
     - [ ] 2. Industrial Boiler
     - [ ] 3. Industrial Furnace
2. [ ] Specification Used Oil Fuel Marketer (or On-site Burner) Who First Claims the Oil Meets the Specification

IX. Description of Regulated Wastes (Use additional sheets if necessary)

A. Characteristics of Nonlisted Hazardous Wastes. Mark "X" in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles. (See 40 CFR Parts 261.20 – 261.24)

1. Ignitable (D001)	2. Corrosive (D002)	3. Reactive (D003)	4. Toxicity Characteristic (D000)	(List specific EPA hazardous waste number(s) for the Toxicity characteristic contaminant(s))			
[ ]	[ ]	[ ]	[ ]	D039	D008	D018	D040

B. Listed Hazardous Wastes. (See 40 CFR 261.31 – 33. See instructions if you need to list more than 12 waste codes.)

1	2	3	4	5	6
7	**8**	**9**	**10**	**11**	**12**

C. Other Wastes. (State or other wastes requiring a handler to have an I.D. number. See instructions.)

1	2	3	4	5	6

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature	Name and Official Title (type or print)	Date Signed
[signature]	Shift Supervisor Carl E Ladner Jr.	12-9-98

XI. Comments

Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section III of the booklet for addresses.)

AURA:

Removal as TSD never granted interim status 14 day reply period was

PAB — RECLASSIFICATIONS

Please make the necessary adjustments to HWMDS and fill letters

THE FOLLOWING ARE RECLASSIFICATIONS OF THE TSD STATUS (C11C3)

	PRESENT CODE	SHOULD BE:
GOULDSEY STATION - Not in PDS	6	5 & C119 = $ C305
NYD000730358		
JENNISON STATION " " "	6	5 & C119 = $ C305
NYD000730473		
MILLIKER STATION " " "	3	5 & C119 = $ C305
NYD000730366		
SOMERSET STATION " " "	5	5 only C119 = $ C305
NYD000730465		
GREENRIDGE STATION " " "	3	5 & C119 = $1 C305
NYD013508916		
HICKLING STATION " " "	6	5 & C119 = $ C305
NYD079692117		
BURROUGHS CORP. ~~" " "~~	6	5 & C119 = $ C305
NYD000799254		
GTE CORP. - ~~" " "~~	1	5 & C119 = $ & C1103= C305
NYD030215719		
KLEEN BRITE LABS " " "	4	5 & C119 = $ C305
NYD002217123		
FOLD-PACK CORP. " " "	6	5 & C119 = $ C305
NYD082749730		
MIXING EQUIPMENT CO. " " "	4	6 & C119 = $ & C1103 = X 4/4/86 C305
which one NYD059647412		

THANKS

SUE

NYSEG

PAB

Copy other file
- Check if 3008 response - file
no

November 30, 1982
NYMISC - 778
EMG: 1.8.1.5

file

Mr. Andrew Bellina
Solid Waste Branch
U. S. Environmental Protection Agency
26 Federal Plaza
New York, NY 10278

SUBJECT: Greenidge and Hickling Facilities of New York State Electric & Gas Corporation

Dear Mr. Bellina:

During your September 29, 1982 inspection of the Greenidge Generating Station (EPA I.D. No. NYD013508916) of New York State Electric & Gas Corporation ("NYSEG"), you asked to be provided with certain information relating to the Greenidge Station and NYSEG's Hickling Generating Station (EPA I.D. No. NYD079692117). The information that you requested is enclosed.

Specifically, I am including water flow diagrams for both Greenidge and Hickling Stations, and a diagram of the entire Hickling facility, showing the configuration of the various ponds, storage piles and storage areas. I have also provided a brief description of the treatment of air heater washes at Hickling, and a chart listing recent EP Toxicity analyses of Hickling air heater washes. Although on one of the analyses, one parameter (arsenic) showed a level above the threshold EP toxicity limit, this problem is not expected to continue, as we have changed our wash process to yield cleaner air heater tubes. We will be running EP Toxicity analyses on future air heater washes at Hickling, in order to verify that EP toxicity limits are not exceeded. Until such time as we have consistently shown that Hickling air heater washes do not exceed EP toxicity limits, we will continue to co-treat our air heater washes as explained in my August 10, 1982 letter to you, and we will rely upon the policy set out in the January 13, 1982 letter from Gary M. Dietrich which excludes such wastes from RCRA regulation when they are co-treated with fly ash and bottom ash from coal combustion.

New York State Electric & Gas Corporation 4500 Vestal Parkway East, Binghamton, New York 13902 (607) 729-2551

I believe that I am including with this letter all of the information that you have requested regarding our Greenidge and Hickling facilities. If you have any questions, or need any further information, please call Shiela Snyder of my staff at (607) 729-2551, extension 4320.

Very truly yours,

V W Rider

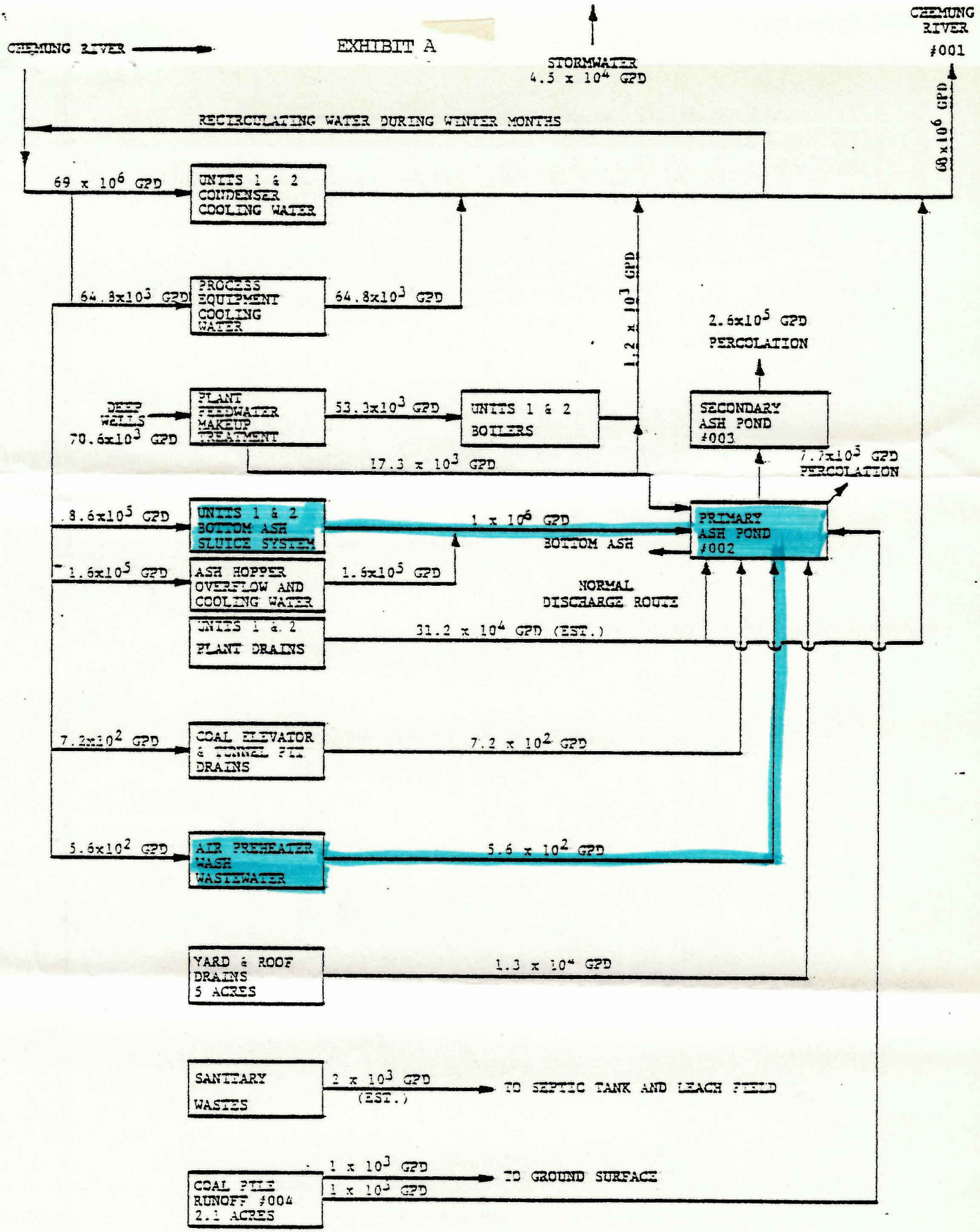
V. W. Rider
Asst. Vice President
Operation & Generation
Services

VWR:SCS:cjv
xc: LDWhitney
WMFriedman
MLBuzel

Hickling Air Heater Wash
Treatment Description

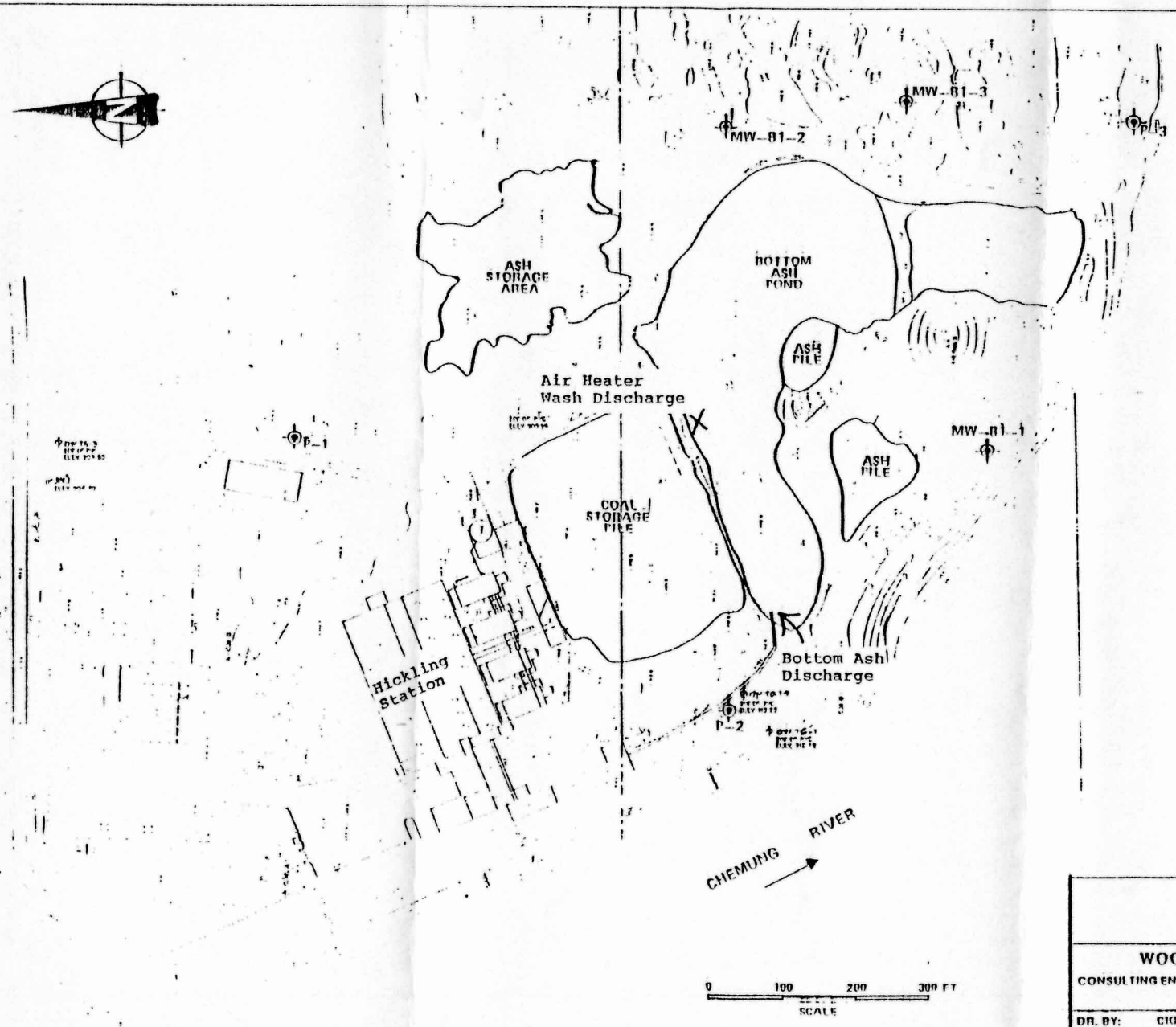
The Hickling facility produces air heater washes that are co-treated with bottom ash from the facilities coal burning operations. Bottom ash is sluiced to the primary ash pond through two 8" pipes as indicated on Exhibit A. The pond accomplishes treatment through the mixing of various waste streams and the settling of solids. When air heaters are periodically washed, the wash water is discharged from the bottom of the air heater through a flexible piping system to a sump pump, which in turn discharges to the primary ash pond. This arrangement can also be seen on Exhibit A. The location of each of these pipes as they discharge into the ash pond can be seen on the attached Exhibit B.

EXHIBIT A



HICKLING STATION WATER USE DIAGRAM
AVERAGE FLOW RATES

EXHIBIT B



HICKLING STATION

WOODWARD—CLYDE CONSULTANTS

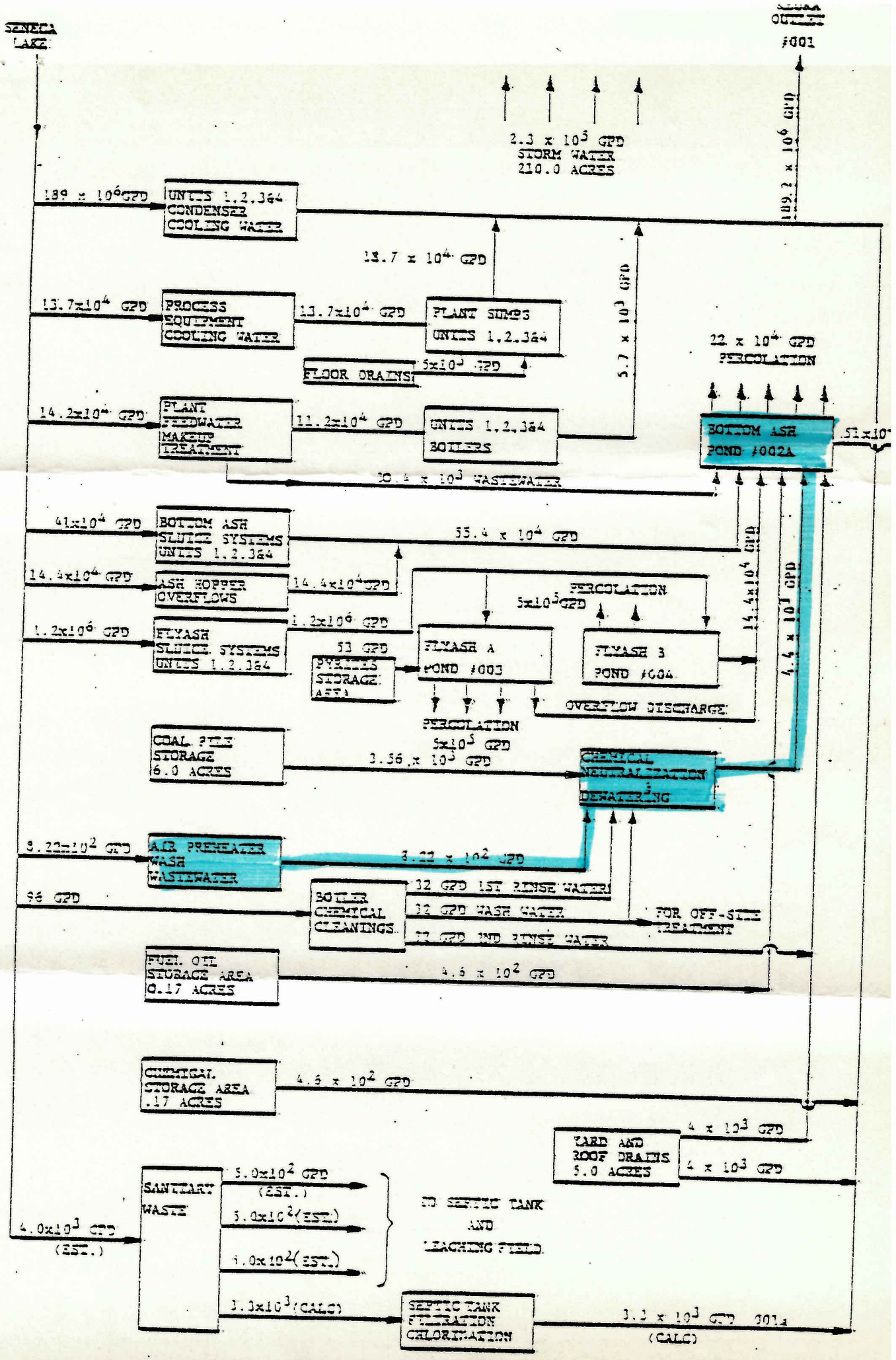
CONSULTING ENGINEERS, GEOLOGISTS AND ENVIRONMENTAL SCIENTISTS

WAYNE, NEW JERSEY

DR. BY:	CIG	SCALE:	AS SHOWN	PROJ. NO.:	81C4139-2B
CK'D. BY:	DNG	DATE:	21 DEC 1981	FIG. NO.:	7

Hickling Air Heater Washes
EP Toxicity Analysis
(In Parts Per Million)

Date	Air Heater Number	As	Ba	Cd	Cr	Pb	Hg	Se	Ag
5-6-82	#4	1.8	.1	.008	.52	.4	.002	.9	.05
7-14-82	#1	7.8	.3	.12	3.3	<.7	<0002	.44	.09
7-14	#2	.45	.3	.023	.52	<.1	<0002	.16	.02



GREENIDGE STATION WATER USE DIAGRAM

NYSEG

December 29, 1981

NYMISC - 503
EMG-1.8.13

U.S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

Attn: Information Service Center, Room 305

Re: Change in Status under RCRA for Two Generating Stations Owned by New York State Electric & Gas Corporation

Dear Sir or Madam:

This letter will supplement my letter of October 2, 1981, wherein I requested a change of status under the Resource Conservation and Recovery Act ("RCRA") for three New York State Electric & Gas Corporation ("NYSEG") facilities. In addition to the three facilities mentioned in my earlier letter, NYSEG owns and operates two other facilities, Milliken Generating Station, Ludlowville, New York (EPA I.D. No. NYD 000730366) and Greenidge Generating Station, Dresden New York (EPA I.D. No. NYD 013508916). On November 17, 1981, NYSEG filed Part A permit applications under RCRA for these two coal-fired steam electric generating stations, classifying them in the category of "treatment, storage or disposal facilities" ("TSD facilities"). However, subsequent to our filing of Part A applications, EPA has issued several regulatory policies which we feel remove our two above-listed facilities from the TSD category under RCRA. By this letter, NYSEG formally requests that the status of these facilities be changed on your records. I set out in detail below the reasons why such change of status is warranted.

A letter dated January 13, 1981 from Gary N. Dietrich, EPA's Associate Deputy Administrator for Solid Waste to Paul Emler, Jr., Chairman of the Utility Solid Waste Activity Group indicates that wastes which are generated in conjunction with the combustion of fossil fuels and are mixed with and co-treated or co-disposed with fly ash, bottom ash, boiler slag or flue gas emission control wastes from coal combustion are not considered to be hazardous wastes under the exemption set out in RCRA regulations codified at 40 CFR §261.4(b) (4). A copy of Mr. Dietrich's letter is enclosed. Air heater washes generated at NYSEG's Milliken and Greenidge facilities, produced in conjunction with coal combustion, are treated in tanks at the facilities, and the sludge from these treatment processes is co-disposed with fly ash and bottom ash resulting from the coal combustion process. The wastewater from the treatment system at the two plants is discharged as part of a point source subject to a permit under §402 of the Federal Water Pollution Control Act, as amended, and is thus exempted from RCRA regulation under §1004(27) of RCRA, 42 U.S.C. §6903(27). The air heater wash waste streams were listed on page 3 of the Part A permit application for both the Milliken and Greenidge facilities at lines 7 and 8. Under the policies set out above, this waste is excluded from RCRA regulation.

On November 17, 1981, EPA published regulations in the Federal Register (codified at 40 CFR §265.1(c)(10)) indicating that the owner or operator of an "elementary neutralization tank" used for neutralizing wastes which are hazardous only because they exhibit the characteristic of corrosivity is not regulated as a treatment facility under 40 CFR Part 265. NYSEG employs tanks for the elementary neutralization of corrosive coal pile runoff at its Milliken and Greenidge facilities and for the neutralization of corrosive demineralizing regenerant at the Milliken facility. Both of these waste streams exhibit no hazardous characteristics other than corrosivity. Under the above-cited regulatory language, the neutralization tanks are not subject to RCRA regulation at this time. Line 6 on page 3 of the Part A permit applications for both Milliken and Greenidge covers the coal pile runoff wastes at these facilities, and line 9 for Milliken covers demineralizing regenerant. The wastes placed in the neutralization tanks at Greenidge and Milliken were the subject of an earlier letter, sent to you on June 10, 1981.

Air heater washes, coal pile runoff and demineralizing regenerant were the only waste streams listed on the Milliken and Greenidge Part A applications that are subjected to on-site treatment, storage or disposal. Since, as explained above, these wastes are either no longer considered hazardous wastes, or their treatment is no longer subject to RCRA regulation, the Milliken and Greenidge facilities should no longer be considered to be TSD facilities.

The Milliken and Greenidge facilities generate small quantities of spent solvents (see lines 1-5 on page 3 of the Part A permit applications for these facilities), some of which are listed as hazardous wastes in the RCRA regulations. However, no long-term storage (over 90 days), treatment or disposal of these solvents is performed at these NYSEG facilities.

Because we believe that the factors cited above remove the Milliken and Greenidge facilities from classification as treatment, storage or disposal facilities, NYSEG intends to conduct its operations based upon the revised classifications set out herein. Should there be any problems with these designations, or with the interpretations set out above, please let me know as soon as possible, as NYSEG must plan its operations accordingly.

If any further actions are required of NYSEG in order to change the classifications of our facilities, or if any additional information is required, please inform Lewis D. Whitney of my staff at the above address. Mr. Whitney can also be reached by telephone at (607) 729-2551, Extension 4319.

Sincerely yours,

V. W. Rider
Asst. Vice President
Operation and Generation
Services

VWR/pmg
Enclosure

cc: M. L. Buzel
J. I. Fiala
T. J. Hadwin
J. K. Smith
S. C. Snyder
L. D. Whitney

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 13 1981

OFFICE OF WATER
AND WASTE MANAGEMENT

Mr. Paul Emler, Jr.
Chairman
Utility Solid Waste Activities
Group
Suite 700
1111 Nineteenth Street, N.W.
Washington, D.C. 20036

Dear Mr. Emler:

This is a response to your letter of October 10, 1980 to Administrator Costle, regarding the recent Solid Waste Disposal Act Amendments of 1980 and their relation to the electric utility industry. In your letter and its accompanying document, you discussed the specific amendments which address fossil fuel combustion wastes, and suggested interpretive language which EPA should adopt in carrying out the mandate of the amendments. You requested a meeting with our staff to make us more fully aware of the solid waste management practices of the electric utility industry, and to discuss the effect of the amendments on the utility solid waste study which EPA is currently conducting.

I appreciated the opportunity to meet with you, in your capacity as chairman of the Utility Solid Waste Activities Group (USWAG), on November 21 to discuss your concerns. I am taking this occasion to share with you the most recent EPA thinking on the exclusion from our hazardous waste management regulations of waste generated by the combustion of fossil fuels, and to confirm certain agreements which were reached during our meeting. The language contained in this letter should provide you and your constituents with an adequate interpretation of the fossil fuel combustion waste exclusion in Section 261.4(b)(4) of our regulations. This letter is also being circulated to appropriate Agency personnel, such as our Regional Directors of Enforcement, for their information and use. We intend to issue in the Federal Register an official Regulations Interpretation Memorandum reflecting the policies articulated in this letter.

In our May 19, 1980 hazardous waste management regulations, we published an exclusion from Subtitle C regulation for those fossil fuel combustion wastes which were the subject of then pending Congressional amendments. The language of that exclusion in §261.4(b)(4) of our May 19 regulations is identical to pertinent language of Section 7 of the Solid Waste Disposal Act

Amendments of 1980 (P.L. 96-482) which was enacted on October 21, 1980 and which mandates that exclusion. Specifically, the exclusion language of our regulations provides that the following solid wastes are not hazardous wastes:

> "Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels."

Residues from the Combustion of Fuel Mixtures

The first point which you raise in your letter and your "Proposed RIM Language" is the interpretation of the term "primarily" used in this exclusion language. EPA believes that Congress intended the term "primarily" to mean that the fossil fuel is the predominant fuel in the fuel mix, i.e., more than 50 percent of the fuel mix. (See Congressional Record, February 20, 1980, p. H1103, remarks of Congressman Horton and p. H1102, remarks of Congressman Bevill.) Therefore, EPA is interpreting the exclusion of §261.4(b)(4) to include fly ash, bottom ash, boiler slag and flue gas emission control wastes (hereinafter referred to as "combustion wastes") that are generated by the combustion of mixtures of fossil fuels and alternative fuels, provided that fossil fuels make up at least 50 percent of the fuel mix.

This interpretation begs the question of whether the exclusion also extends to combustion wastes that result from the burning of mixtures of fossil fuels and hazardous wastes. We have limited data which indicates that spent solvents listed in §261.31 of our regulations, certain distillation residues listed in §261.32, waste oils that may be hazardous wastes by virtue of characteristics or the mixture rule, and other hazardous wastes are often burned as supplemental fuels--sometimes in proportionally small amounts but sometimes in significant amounts (comprising 10 percent or more of the fuel mix ratio)--particularly in industrial boilers but sometimes in utility boilers. EPA is concerned about the human health and environmental effect of the burning of these hazardous wastes: both the effect of emissions into the atmosphere and the effect of combustion residuals that would be contained in the fly ash, bottom ash, boiler slag and flue gas emission control wastes.

We intend to address the first of these concerns in our future development of special requirements applicable to hazardous wastes that are beneficially used or legitimately recycled. In §261.6 of our May 19, 1980 regulations, we currently exempt from regulatory coverage hazardous wastes that are benefically used or legitimately recycled, except that, where these wastes are listed as hazardous wastes or sludges, their storage or transportation prior to use or recycle is subject to our

regulations. We clearly explained in the preamble to Part 261 of our May 19 regulations that we fully intend to eventually regulate the use and recycling of hazardous wastes and, in doing so, would probably, in most cases, develop special requirements that provide adequate protection of human health and the environment without unwarranted discouragement of resource conservation. Consequently, although the burning of hazardous waste as a fuel (a beneficial use assuming that the waste has a positive fuel value) is not now subject to our regulations (except as noted above) it may well be subject to our regulation in the future.

Our second concern with combustion of fuel mixtures is the one at focus in this interpretation. It must first be noted that we do not intend for §261.6 to provide an exemption from regulation for combustion wastes resulting from the burning of hazardous wastes in combination with fossil fuels; it only provides an exemption for the actual burning of hazardous wastes for recovery of fuel value. Thus, if these combustion wastes are exempted from our regulation, such exemption must be found through interpretation of §261.4(b)(4). Secondly, we note that although the pertinent language in Section 7 of the Solid Waste Disposal Act Amendments of 1980 and the related legislative history on this matter speak of allowing the burning of alternative fuel without precisely defining or delineating the types of alternative fuel, the only examples of alternative fuels used in the legislative history are refuse derived fuels. Therefore, a literal reading of the legislative history might enable us to interpret the exclusion to include combustion wastes resulting from the burning of fossil fuels and other fuels, including hazardous wastes. However, since each of these legislative comments was made in the context of refuse derived fuels or other non-hazardous alternate fuels, we do not believe the Congressional intent compels us to make such an interpretation if we have reason to believe that such combustion wastes are hazardous.

Presently, we have little data on whether or to what extent combustion wastes are "contaminated" by the burning of fossil fuel/hazardous waste mixtures. The data we do have (e.g., burning of waste oils) suggests that the hazardous waste could contribute toxic heavy metal contaminants to such combustion wastes. When coal is the primary fuel, the amount of resulting contamination is probably in amounts that are not significantly different than the metals that would be contributed by the fossil fuel component of the fuel mixture. This may not be the case with oil and gas, where huge volumes of waste are not available to provide a dilution effect. We suspect that the other hazardous constituents of the hazardous wastes that typically would be burned as a fuel are either thermally destroyed or are emitted in the flue gas (and therefore are part of our first concern as discussed above). If

these data and this presumption are true, then combustion wastes resulting from the burning of coal/hazardous waste mixtures should not be significantly different in composition than combustion wastes generated by the burning of coal alone. Because the Congress has seen fit to exclude the latter wastes from Subtitle C, pending more study, we feel compelled to provide the same exclusion to the former wastes.

Accordingly, we will interpret the exclusion of §261.4(b)(4) to include fly ash, bottom ash, boiler slag and flue gas emission control wastes generated in the combustion of coal/hazardous waste mixtures provided that coal makes up more than 50 percent of the fuel mixture.

We offer this interpretation with great reluctance and with the clear understanding it is subject to change, if and when data indicate that combustion wastes are significantly contaminated by the burning of hazardous wastes as fuel. We also offer this interpretation with the understanding, as discussed at our meeting of November 21, that the utility industry will work with us over the next several months to improve our data on this matter. We believe it is essential that we make a more informed judgement and possible reconsideration of our interpretation of the exclusion as soon as possible and before completion of our longer-term study of utility waste which is proceeding. Accordingly, we would like you to provide to us all available data on the following questions by August 1, 1981:

1. What types of hazardous wastes are commonly burned as fuels in utility boilers? In what quantity? In what ratio to fossil fuels? How often? What is their BTU content?

2. Does the burning of these wastes contribute hazardous constituents (see Appendix VIII of Part 261 of our regulations) to any of the combustion wastes? If so, what constituents, and in what amounts? How does the composition of combustion wastes change when hazardous wastes are burned?

Co-disposal and Co-treatment

The second issue raised in your letter was whether the exclusion extends to wastes produced in conjunction with the burning of fossil fuels which are co-disposed or co-treated with fly ash, bottom ash, boiler slag and flue gas emission control wastes. As examples of such wastes, you specifically mention boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites, cooling tower blowdown, or any "wastes of power plant origin whose co-treatment with fly ash, bottom ash, slag and flue gas emission control sludges is regulated under State-or-EPA-sanctioned management or treatment plans."

The legislative history on this matter clearly indicates that the Congress intended that these other wastes be exempted from Subtitle C regulation provided that they are mixed with and co-disposed or co-treated with the combustion wastes and further provided that "there is no evidence of any substantial environmental danger from these mixtures." (See Congressional Record, February 20, 1980, p. H 1102, remarks of Congressman Bevill; also see remarks of Congressman Rahall, Congressional Record, February 20, 1980, p. H1104.)

We have very little data on the composition, character and quantity of these other associated wastes (those cited above), but the data we do have suggest that they are generated in small quantities relative to combustion wastes, at least when coal is the fuel, and that they primarily contain the same heavy metal contaminants as the combustion wastes, although they may have a significantly different pH than the combustion wastes. These limited data therefore suggest that, when these other wastes are mixed with and co-disposed or co-treated with the much larger quantities of combustion wastes, their composition and character are "masked" by the composition and character of the combustion wastes; that is, they do not significantly alter the hazardous character, if any, of the combustion wastes.

Given this information base and given the absence of definitive information indicating that these other wastes do pose a "substantial danger" to human health or the environment, we believe it is appropriate, in the light of Congressional intent, to interpret the §261.4(b)(4) exclusion to include other wastes that are generated in conjunction with the burning of fossil fuels and mixed with and co-disposed or co-treated with fly ash, bottom ash, boiler slag and flue gas emission control wastes.

We offer this interpretation with some reluctance because it is made in the absence of definitive information about the hazardous properties of these other wastes or their mixtures with combustion wastes. We therefore believe it is imperative that we proceed to collect all available data on this matter within the next several months and reconsider this interpretation when these data are assessed. Toward that end and consistent with the discussion at our meeting of November 21, we are asking that you assist us in collecting these data. Specifically, we ask that you collect and submit by August 1, 1981, any available data on the following questions:

1. What are the "other" wastes which are commonly mixed with and co-disposed or co-treated with fly ash, bottom ash, boiler slag or flue gas emission control wastes? What are their physical (e.g., sludge or liquid) and chemical properties? Are they hazardous wastes in accordance with Part 261?

2. What are the co-disposal or co-treatment methods employed?

3. How often are these wastes generated? In what quantities are they generated? Are they commonly treated in any way before being co-disposed?

4. Does the industry possess any data on the environmental effects of co-disposing of these wastes? Groundwater monitoring data? What are the results?

The interpretation on other associated wastes provided in this letter is limited to wastes that are generated in conjunction with the burning of fossil fuels. We do not intend to exempt hazardous wastes that are generated by activities that are not directly associated with fossil fuel combustion, steam generation or water cooling processes. Thus, for example, the §261.4(b)(4) exclusion does not cover pesticides or herbicide wastes; spent solvents, waste oils or other wastes that might be generated in construction or maintenance activities typically carried out at utility and industrial plants; or any of the commercial chemicals listed in §261.33 which are discarded or intended to be discarded and therefore are hazardous wastes. Further, the exclusion does not cover any of the hazardous wastes listed in §§261.31 or 261.32 of our regulations. None of these listed wastes were mentioned in your letter or our discussions.

The interpretation on other wastes is also limited to wastes that traditionally have been and which actually are mixed with and co-disposed or co-treated with combustion wastes. If any of these other wastes (e.g., boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites and cooling tower blowdown) are segregated and disposed of or treated separately from combustion wastes and they are hazardous wastes, they are not covered by the exclusion. In the same vein, the exclusion does not cover other wastes where there are no combustion wastes (or relatively small amounts of combustion wastes) with which they might be mixed and co-disposed or co-treated--a situation which might prevail where natural gas or oil is the principal fossil fuel being used. Therefore, this interpretation of the exclusion applies only where coal is the primary fuel. We feel this is a legitimate interpretation of Congressional intent, wherein the argument of little potential environmental hazard, primarily due to the dilution factor, is clearly based upon co-disposal or co-treatment with the huge volumes of wastes generated during coal combustion.

EPA Utility Waste Study

The groups of questions raised above bring us to the final subject which you address concerning the study of utility solid waste management which EPA is conducting. We agree that the study, as currently being conducted, does not focus on the matters discussed in this letter. We would, however, like to address these matters and include them in our report to Congress, to the extent possible. To accomplish this, we plan to meet in the very near future with our contractor, Arthur D. Little, Inc., to discuss what studies may need to be carried out in addition to their currently planned activities under the contract. The inputs of your organization could be quite useful in this effort. It may be impossible, however, to modify our present study to include a detailed investigation of all of the issues discussed above.

Notwithstanding, we would like to address the matters discussed in this letter within a shorter time frame--during the next six months. Based on our meeting of November 21, it is my understanding that the utility industry, working closely with EPA, is willing to develop data on the questions put forth above. We agreed that, as a first step, USWAG will prepare a study outline designed to obtain these data. EPA staff and industry representatives designated by your organization will then mutually review the information needs. The data collection effort will then follow. Finally, data and analyses will be presented to EPA for review. This will enable us to reconsider the interpretation provided in this letter and make any changes deemed necessary. Therefore, I would appreciate it if you would designate a technical representative as USWAG's contact person for this coordinated data collection effort.

In the meantime, and pending completion of this effort, EPA will interpret 40 CFR §261.4(b)(4) to mean that the following solid wastes are not hazardous wastes:

(a) Fly ash, bottom ash, boiler slag and flue gas emission control wastes resulting from (1) the combustion solely of coal, oil, or natural gas, (2) the combustion of any mixture of these fossil fuels, or (3) the combustion of any mixture of coal and other fuels, up to a 50 percent mixture of such other fuels.

(b) Wastes produced in conjunction with the combustion of fossil fuels, which are necessarily associated with the production of energy, and which traditionally have been, and which actually are, mixed with and co-disposed or co-treated with fly ash, bottom ash, boiler slag, or flue gas emission control wastes from coal combustion.

This provision includes, but is not limited to, the following wastes:

(1) boiler cleaning solutions,

(2) boiler blowdown,

(3) demineralizer regenerant,

(4) pyrites, and

(5) cooling tower blowdown.

I am hopeful that our future research activities together will prove fruitful and that these issues can be rapidly resolved. I have designated Ms. Penelope Hansen of my staff as the EPA point of contact for this effort. You may reach her at (202) 755-9206.

Sincerely yours,

Gary N. Dietrich
Associate Deputy Assistant Administrator
for Solid Waste

NYD013508916

Ernie

NEW YORK STATE ELECTRIC & GAS CORPORATION

BINGHAMTON, NEW YORK 13902

July 23, 1982

NYIO - 2351
EMG 1.8.1.5

Andy
PAB
Cvinar
PAB

Mr. Kenneth S. Stoller, P. E.
Acting Director
Air & Waste Management Division
U. S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

Re: Financial and Liability Requirements as Related to Greenidge Facility of New York State Electric & Gas Corporation

GH Hudgins 7/27/82

Dear Mr. Stoller:

New York State Electric & Gas Corporation ("NYSEG") recently received a letter from you regarding our Greenidge Generating Station, Dresden, New York (EPA I.D. No. NYD 013508916), and compliance with EPA regulations on financial responsibility and liability for hazardous waste treatment, storage and disposal ("TSD") facilities.

Only listed as generator. Delete C119, C1105

On December 29, 1981, I sent a letter to the Information Service Center of EPA, Region II (a copy of which is enclosed), which indicated that the Greenidge Generating Station should no longer be classified as a TSD facility by EPA. That letter explained the reasons why this facility now falls into the category of a hazardous waste "generator." In fact, test results that we have recently received on certain of our wastes make it even clearer that the Greenidge Station is not a TSD facility under EPA regulations. Consequently, the financial and liability requirements for TSD facilities that were recently promulgated by EPA do not apply to the Greenidge Station.

Please correct your records to reflect the fact that our facility should no longer be classified as a TSD. If you have any further questions, please inform Lewis D. Whitney of my staff at the above address. Mr. Whitney can also be reached at (607) 729-2551, extension 4319.

Sincerely yours,

V. W. Rider
Asst. Vice President
Operation & Generation Services

PAB 9/13/82

WJF:fg
Encl.

NYSEG

December 29, 1981

NYMISC - 503
EMG-1.8.13

U.S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

Attn: Information Service Center, Room 305

Re: Change in Status under RCRA for Two Generating Stations Owned by New York State Electric & Gas Corporation

Dear Sir or Madam:

This letter will supplement my letter of October 2, 1981, wherein I requested a change of status under the Resource Conservation and Recovery Act ("RCRA") for three New York State Electric & Gas Corporation ("NYSEG") facilities. In addition to the three facilities mentioned in my earlier letter, NYSEG owns and operates two other facilities, Milliken Generating Station, Ludlowville, New York (EPA I.D. No. NYD 000730366) and Greenidge Generating Station, Dresden New York (EPA I.D. No. NYD 013508916). On November 17, 1981, NYSEG filed Part A permit applications under RCRA for these two coal-fired steam electric generating stations, classifying them in the category of "treatment, storage or disposal facilities" ("TSD facilities"). However, subsequent to our filing of Part A applications, EPA has issued several regulatory policies which we feel remove our two above-listed facilities from the TSD category under RCRA. By this letter, NYSEG formally requests that the status of these facilities be changed on your records. I set out in detail below the reasons why such change of status is warranted.

A letter dated January 13, 1981 from Gary N. Dietrich, EPA's Associate Deputy Administrator for Solid Waste to Paul Emler, Jr., Chairman of the Utility Solid Waste Activity Group indicates that wastes which are generated in conjunction with the combustion of fossil fuels and are mixed with and co-treated or co-disposed with fly ash, bottom ash, boiler slag or flue gas emission control wastes from coal combustion are not considered to be hazardous wastes under the exemption set out in RCRA regulations codified at 40 CFR §261.4(b) (4). A copy of Mr. Dietrich's letter is enclosed. Air heater washes generated at NYSEG's Milliken and Greenidge facilities, produced in conjunction with coal combustion, are treated in tanks at the facilities, and the sludge from these treatment processes is co-disposed with fly ash and bottom ash resulting from the coal combustion process. The wastewater from the treatment system at the two plants is discharged as part of a point source subject to a permit under §402 of the Federal Water Pollution Control Act, as amended, and is thus exempted from RCRA regulation under §1004(27) of RCRA, 42 U.S.C. §6903(27). The air heater wash waste streams were listed on page 3 of the Part A permit application for both the Milliken and Greenidge facilities at lines 7 and 8. Under the policies set out above, this waste is excluded from RCRA regulation.

On November 17, 1981, EPA published regulations in the Federal Register (codified at 40 CFR §265.1(c)(10)) indicating that the owner or operator of an "elementary neutralization tank" used for neutralizing wastes which are hazardous only because they exhibit the characteristic of corrosivity is not regulated as a treatment facility under 40 CFR Part 265. NYSEG employs tanks for the elementary neutralization of corrosive coal pile runoff at its Milliken and Greenidge facilities and for the neutralization of corrosive demineralizing regenerant at the Milliken facility. Both of these waste streams exhibit no hazardous characteristics other than corrosivity. Under the above-cited regulatory language, the neutralization tanks are not subject to RCRA regulation at this time. Line 6 on page 3 of the Part A permit applications for both Milliken and Greenidge covers the coal pile runoff wastes at these facilities, and line 9 for Milliken covers demineralizing regenerant. The wastes placed in the neutralization tanks at Greenidge and Milliken were the subject of an earlier letter, sent to you on June 10, 1981.

Air heater washes, coal pile runoff and demineralizing regenerant were the only waste streams listed on the Milliken and Greenidge Part A applications that are subjected to on-site treatment, storage or disposal. Since, as explained above, these wastes are either no longer considered hazardous wastes, or their treatment is no longer subject to RCRA regulation, the Milliken and Greenidge facilities should no longer be considered to be TSD facilities.

The Milliken and Greenidge facilities generate small quantities of spent solvents (see lines 1-5 on page 3 of the Part A permit applications for these facilities), some of which are listed as hazardous wastes in the RCRA regulations. However, no long-term storage (over 90 days), treatment or disposal of these solvents is performed at these NYSEG facilities.

Because we believe that the factors cited above remove the Milliken and Greenidge facilities from classification as treatment, storage or disposal facilities, NYSEG intends to conduct its operations based upon the revised classifications set out herein. Should there be any problems with these designations, or with the interpretations set out above, please let me know as soon as possible, as NYSEG must plan its operations accordingly.

If any further actions are required of NYSEG in order to change the classifications of our facilities, or if any additional information is required, please inform Lewis D. Whitney of my staff at the above address. Mr. Whitney can also be reached by telephone at (607) 729-2551, Extension 4319.

Sincerely yours,

V W Rider

V. W. Rider
Asst. Vice President
Operation and Generation
Services

VWR/pmg
Enclosure

cc: M. L. Buzel
J. I. Fiala
T. J. Hadwin
J. K. Smith
S. C. Snyder
L. D. Whitney

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 13 1981

OFFICE OF WATER
AND WASTE MANAGEMENT

Mr. Paul Emler, Jr.
Chairman
Utility Solid Waste Activities
Group
Suite 700
1111 Nineteenth Street, N.W.
Washington, D.C. 20036

Dear Mr. Emler:

This is a response to your letter of October 10, 1980 to Administrator Costle, regarding the recent Solid Waste Disposal Act Amendments of 1980 and their relation to the electric utility industry. In your letter and its accompanying document, you discussed the specific amendments which address fossil fuel combustion wastes, and suggested interpretive language which EPA should adopt in carrying out the mandate of the amendments. You requested a meeting with our staff to make us more fully aware of the solid waste management practices of the electric utility industry, and to discuss the effect of the amendments on the utility solid waste study which EPA is currently conducting.

I appreciated the opportunity to meet with you, in your capacity as chairman of the Utility Solid Waste Activities Group (USWAG), on November 21 to discuss your concerns. I am taking this occasion to share with you the most recent EPA thinking on the exclusion from our hazardous waste management regulations of waste generated by the combustion of fossil fuels, and to confirm certain agreements which were reached during our meeting. The language contained in this letter should provide you and your constituents with an adequate interpretation of the fossil fuel combustion waste exclusion in Section 261.4(b)(4) of our regulations. This letter is also being circulated to appropriate Agency personnel, such as our Regional Directors of Enforcement, for their information and use. We intend to issue in the Federal Register an official Regulations Interpretation Memorandum reflecting the policies articulated in this letter.

In our May 19, 1980 hazardous waste management regulations, we published an exclusion from Subtitle C regulation for those fossil fuel combustion wastes which were the subject of then pending Congressional amendments. The language of that exclusion in §261.4(b)(4) of our May 19 regulations is identical to pertinent language of Section 7 of the Solid Waste Disposal Act

Amendments of 1980 (P.L. 96-482) which was enacted on October 21, 1980 and which mandates that exclusion. Specifically, the exclusion language of our regulations provides that the following solid wastes are not hazardous wastes:

> "Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels."

Residues from the Combustion of Fuel Mixtures

The first point which you raise in your letter and your "Proposed RIM Language" is the interpretation of the term "primarily" used in this exclusion language. EPA believes that Congress intended the term "primarily" to mean that the fossil fuel is the predominant fuel in the fuel mix, i.e., more than 50 percent of the fuel mix. (See Congressional Record, February 20, 1980, p. H1103, remarks of Congressman Horton and p. H1102, remarks of Congressman Bevill.) Therefore, EPA is interpreting the exclusion of §261.4(b)(4) to include fly ash, bottom ash, boiler slag and flue gas emission control wastes (hereinafter referred to as "combustion wastes") that are generated by the combustion of mixtures of fossil fuels and alternative fuels, provided that fossil fuels make up at least 50 percent of the fuel mix.

This interpretation begs the question of whether the exclusion also extends to combustion wastes that result from the burning of mixtures of fossil fuels and hazardous wastes. We have limited data which indicates that spent solvents listed in §261.31 of our regulations, certain distillation residues listed in §261.32, waste oils that may be hazardous wastes by virtue of characteristics or the mixture rule, and other hazardous wastes are often burned as supplemental fuels--sometimes in proportionally small amounts but sometimes in significant amounts (comprising 10 percent or more of the fuel mix ratio)--particularly in industrial boilers but sometimes in utility boilers. EPA is concerned about the human health and environmental effect of the burning of these hazardous wastes: both the effect of emissions into the atmosphere and the effect of combustion residuals that would be contained in the fly ash, bottom ash, boiler slag and flue gas emission control wastes.

We intend to address the first of these concerns in our future development of special requirements applicable to hazardous wastes that are beneficially used or legitimately recycled. In §261.6 of our May 19, 1980 regulations, we currently exempt from regulatory coverage hazardous wastes that are beneficially used or legitimately recycled, except that, where these wastes are listed as hazardous wastes or sludges, their storage or transportation prior to use or recycle is subject to our

regulations. We clearly explained in the preamble to Part 261 of our May 19 regulations that we fully intend to eventually regulate the use and recycling of hazardous wastes and, in doing so, would probably, in most cases, develop special requirements that provide adequate protection of human health and the environment without unwarranted discouragement of resource conservation. Consequently, although the burning of hazardous waste as a fuel (a beneficial use assuming that the waste has a positive fuel value) is not now subject to our regulations (except as noted above) it may well be subject to our regulation in the future.

Our second concern with combustion of fuel mixtures is the one at focus in this interpretation. It must first be noted that we do not intend for §261.6 to provide an exemption from regulation for combustion wastes resulting from the burning of hazardous wastes in combination with fossil fuels; it only provides an exemption for the actual burning of hazardous wastes for recovery of fuel value. Thus, if these combustion wastes are exempted from our regulation, such exemption must be found through interpretation of §261.4(b)(4). Secondly, we note that although the pertinent language in Section 7 of the Solid Waste Disposal Act Amendments of 1980 and the related legislative history on this matter speak of allowing the burning of alternative fuel without precisely defining or delineating the types of alternative fuel, the only examples of alternative fuels used in the legislative history are refuse derived fuels. Therefore, a literal reading of the legislative history might enable us to interpret the exclusion to include combustion wastes resulting from the burning of fossil fuels and other fuels, including hazardous wastes. However, since each of these legislative comments was made in the context of refuse derived fuels or other non-hazardous alternate fuels, we do not believe the Congressional intent compels us to make such an interpretation if we have reason to believe that such combustion wastes are hazardous.

Presently, we have little data on whether or to what extent combustion wastes are "contaminated" by the burning of fossil fuel/hazardous waste mixtures. The data we do have (e.g., burning of waste oils) suggests that the hazardous waste could contribute toxic heavy metal contaminants to such combustion wastes. When coal is the primary fuel, the amount of resulting contamination is probably in amounts that are not significantly different than the metals that would be contributed by the fossil fuel component of the fuel mixture. This may not be the case with oil and gas, where huge volumes of waste are not available to provide a dilution effect. We suspect that the other hazardous constituents of the hazardous wastes that typically would be burned as a fuel are either thermally destroyed or are emitted in the flue gas (and therefore are part of our first concern as discussed above). If

these data and this presumption are true, then combustion wastes resulting from the burning of coal/hazardous waste mixtures should not be significantly different in composition than combustion wastes generated by the burning of coal alone. Because the Congress has seen fit to exclude the latter wastes from Subtitle C, pending more study, we feel compelled to provide the same exclusion to the former wastes.

Accordingly, we will interpret the exclusion of §261.4(b)(4) to include fly ash, bottom ash, boiler slag and flue gas emission control wastes generated in the combustion of coal/hazardous waste mixtures provided that coal makes up more than 50 percent of the fuel mixture.

We offer this interpretation with great reluctance and with the clear understanding it is subject to change, if and when data indicate that combustion wastes are significantly contaminated by the burning of hazardous wastes as fuel. We also offer this interpretation with the understanding, as discussed at our meeting of November 21, that the utility industry will work with us over the next several months to improve our data on this matter. We believe it is essential that we make a more informed judgement and possible reconsideration of our interpretation of the exclusion as soon as possible and before completion of our longer-term study of utility waste which is proceeding. Accordingly, we would like you to provide to us all available data on the following questions by August 1, 1981:

1. What types of hazardous wastes are commonly burned as fuels in utility boilers? In what quantity? In what ratio to fossil fuels? How often? What is their BTU content?

2. Does the burning of these wastes contribute hazardous constituents (see Appendix VIII of Part 261 of our regulations) to any of the combustion wastes? If so, what constituents, and in what amounts? How does the composition of combustion wastes change when hazardous wastes are burned?

Co-disposal and Co-treatment

The second issue raised in your letter was whether the exclusion extends to wastes produced in conjunction with the burning of fossil fuels which are co-disposed or co-treated with fly ash, bottom ash, boiler slag and flue gas emission control wastes. As examples of such wastes, you specifically mention boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites, cooling tower blowdown, or any "wastes of power plant origin whose co-treatment with fly ash, bottom ash, slag and flue gas emission control sludges is regulated under State-or-EPA-sanctioned management or treatment plans."

The legislative history on this matter clearly indicates that the Congress intended that these other wastes be exempted from Subtitle C regulation provided that they are mixed with and co-disposed or co-treated with the combustion wastes and further provided that "there is no evidence of any substantial environmental danger from these mixtures." (See Congressional Record, February 20, 1980, p. E 1102, remarks of Congressman Bevill; also see remarks of Congressman Rahall, Congressional Record, February 20, 1980, p. E1104.)

We have very little data on the composition, character and quantity of these other associated wastes (those cited above), but the data we do have suggest that they are generated in small quantities relative to combustion wastes, at least when coal is the fuel, and that they primarily contain the same heavy metal contaminants as the combustion wastes, although they may have a significantly different pH than the combustion wastes. These limited data therefore suggest that, when these other wastes are mixed with and co-disposed or co-treated with the much larger quantities of combustion wastes, their composition and character are "masked" by the composition and character of the combustion wastes; that is, they do not significantly alter the hazardous character, if any, of the combustion wastes.

Given this information base and given the absence of definitive information indicating that these other wastes do pose a "substantial danger" to human health or the environment, we believe it is appropriate, in the light of Congressional intent, to interpret the §261.4(b)(4) exclusion to include other wastes that are generated in conjunction with the burning of fossil fuels and mixed with and co-disposed or co-treated with fly ash, bottom ash, boiler slag and flue gas emission control wastes.

We offer this interpretation with some reluctance because it is made in the absence of definitive information about the hazardous properties of these other wastes or their mixtures with combustion wastes. We therefore believe it is imperative that we proceed to collect all available data on this matter within the next several months and reconsider this interpretation when these data are assessed. Toward that end and consistent with the discussion at our meeting of November 21, we are asking that you assist us in collecting these data. Specifically, we ask that you collect and submit by August 1, 1981, any available data on the following questions:

1. What are the "other" wastes which are commonly mixed with and co-disposed or co-treated with fly ash, bottom ash, boiler slag or flue gas emission control wastes? What are their physical (e.g., sludge or liquid) and chemical properties? Are they hazardous wastes in accordance with Part 261?

2. What are the co-disposal or co-treatment methods employed?

3. How often are these wastes generated? In what quantities are they generated? Are they commonly treated in any way before being co-disposed?

4. Does the industry possess any data on the environmental effects of co-disposing of these wastes? Groundwater monitoring data? What are the results?

The interpretation on other associated wastes provided in this letter is limited to wastes that are generated in conjunction with the burning of fossil fuels. We do not intend to exempt hazardous wastes that are generated by activities that are not directly associated with fossil fuel combustion, steam generation or water cooling processes. Thus, for example, the §261.4(b)(4) exclusion does not cover pesticides or herbicide wastes; spent solvents, waste oils or other wastes that might be generated in construction or maintenance activities typically carried out at utility and industrial plants; or any of the commercial chemicals listed in §261.33 which are discarded or intended to be discarded and therefore are hazardous wastes. Further, the exclusion does not cover any of the hazardous wastes listed in §§261.31 or 261.32 of our regulations. None of these listed wastes were mentioned in your letter or our discussions.

The interpretation on other wastes is also limited to wastes that traditionally have been and which actually are mixed with and co-disposed or co-treated with combustion wastes. If any of these other wastes (e.g., boiler cleaning solutions, boiler blowdown, demineralizer regenerant, pyrites and cooling tower blowdown) are segregated and disposed of or treated separately from combustion wastes and they are hazardous wastes, they are not covered by the exclusion. In the same vein, the exclusion does not cover other wastes where there are no combustion wastes (or relatively small amounts of combustion wastes) with which they might be mixed and co-disposed or co-treated--a situation which might prevail where natural gas or oil is the principal fossil fuel being used. Therefore, this interpretation of the exclusion applies only where coal is the primary fuel. We feel this is a legitimate interpretation of Congressional intent, wherein the argument of little potential environmental hazard, primarily due to the dilution factor, is clearly based upon co-disposal or co-treatment with the huge volumes of wastes generated during coal combustion.

EPA Utility Waste Study

The groups of questions raised above bring us to the final subject which you address concerning the study of utility solid waste management which EPA is conducting. We agree that the study, as currently being conducted, does not focus on the matters discussed in this letter. We would, however, like to address these matters and include them in our report to Congress, to the extent possible. To accomplish this, we plan to meet in the very near future with our contractor, Arthur D. Little, Inc., to discuss what studies may need to be carried out in addition to their currently planned activities under the contract. The inputs of your organization could be quite useful in this effort. It may be impossible, however, to modify our present study to include a detailed investigation of all of the issues discussed above.

Notwithstanding, we would like to address the matters discussed in this letter within a shorter time frame--during the next six months. Based on our meeting of November 21, it is my understanding that the utility industry, working closely with EPA, is willing to develop data on the questions put forth above. We agreed that, as a first step, USWAG will prepare a study outline designed to obtain these data. EPA staff and industry representatives designated by your organization will then mutually review the information needs. The data collection effort will then follow. Finally, data and analyses will be presented to EPA for review. This will enable us to reconsider the interpretation provided in this letter and make any changes deemed necessary. Therefore, I would appreciate it if you would designate a technical representative as USWAG's contact person for this coordinated data collection effort.

In the meantime, and pending completion of this effort, EPA will interpret 40 CFR §261.4(b)(4) to mean that the following solid wastes are not hazardous wastes:

(a) Fly ash, bottom ash, boiler slag and flue gas emission control wastes resulting from (1) the combustion solely of coal, oil, or natural gas, (2) the combustion of any mixture of these fossil fuels, or (3) the combustion of any mixture of coal and other fuels, up to a 50 percent mixture of such other fuels.

(b) Wastes produced in conjunction with the combustion of fossil fuels, which are necessarily associated with the production of energy, and which traditionally have been, and which actually are, mixed with and co-disposed or co-treated with fly ash, bottom ash, boiler slag, or flue gas emission control wastes from coal combustion.

This provision includes, but is not limited to, the following wastes:

(1) boiler cleaning solutions,

(2) boiler blowdown,

(3) demineralizer regenerant,

(4) pyrites, and

(5) cooling tower blowdown.

I am hopeful that our future research activities together will prove fruitful and that these issues can be rapidly resolved. I have designated Ms. Penelope Hansen of my staff as the EPA point of contact for this effort. You may reach her at (202) 755-9206.

Sincerely yours,

Gary N. Dietrich
Associate Deputy Assistant Administrator
for Solid Waste